

1

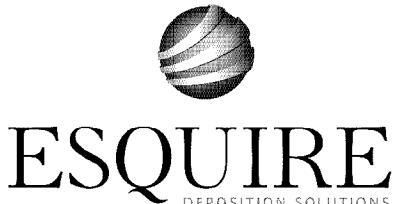
TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON ELECTIONS

APRIL 7, 2009

VOLUME I OF III

Transcribed by Rhonda Howard, CSR  
April 13, 2012



JA\_006483

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

TX\_00033625

USA\_00021365

2

1	INDEX	
2	WITNESS TESTIMONY:	
3	Randall Buck Wood	13
4	Robin Armstrong	82
5	Mary Naranjo	90
6	Skipper Wallace	119
7	Luis Figueroa	142
8	Mary Opitz	147
9	Doug Bell	157
10	Mark Hester	188
11		
12	REPORTER'S CERTIFICATION PAGE	195
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006484

TX\_00033626

USA\_00021366

1 CHAIRMAN SMITH: The House Committee  
2 on Elections is now called to order. Will the Clerk  
3 please call the roll.

4 THE CLERK: Smith.

5 MR. SMITH: Here.

6 THE CLERK: Pena.

7 VICE CHAIR PENA: Here.

8 THE CLERK: Bohac. Bonnen.

9 REPRESENTATIVE BONNEN: Here.

10 THE CLERK: Brown.

11 REPRESENTATIVE BROWN: Here.

12 THE CLERK: Harper-Brown. Heflin.

13 REPRESENTATIVE HEFLIN: Here.

14 Present.

15 CHAIRMAN SMITH: All right. There  
16 being a quorum present, welcome, those of you who  
17 have traveled to Austin from, I presume, a variety  
18 of locations around our state to testify on the  
19 legislation that's been set for hearing today. I  
20 don't -- I don't know -- there was a few of you that  
21 I recognized in the audience of having spent a lot  
22 of time with you yesterday. The Committee heard  
23 from a number of expert witnesses on both sides of  
24 the issue that is before us tonight from early  
25 yesterday afternoon until 1:30 in the morning and



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006485

TX\_00033627

USA\_00021367

1 then got up early this morning to lay out bills and  
2 various committees. So if any of the members of the  
3 panel look tired before we get started, that's the  
4 reason for that.

5 We -- we are here today to hear from  
6 anybody who wishes to testify on this issue.  
7 Obviously, because we have an overflow crowd of  
8 members of the public who wish to testify, there's  
9 going to be -- have to be some kind of reasonable  
10 limitation on the amount of time that -- that the  
11 witnesses spend on each of the given bills.

12 We have six bills by six different House  
13 Members that are -- that are related in some manner  
14 to this subject that are before us this -- this  
15 evening as a matter of new business. Then we have  
16 one piece of pending business, which is the Senate  
17 bill that has already been voted out of the Senate  
18 and is now before us in the House. It's the only  
19 Senate bill on the agenda. The rest of them are  
20 House bills. Given the fact that that is likely to  
21 be the vehicle that will be used in moving this  
22 legislation, we're going to lay that piece of  
23 legislation before the Committee first.

24 And just for those of you who do not  
25 understand, your testimony on any of the bills that



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006486

TX\_00033628

USA\_00021368

1 are before the Committee or on this subject in  
2 general can be helpful and instrumental in giving us  
3 ideas and information that will help us draft  
4 whatever language we as a Committee decide to -- to  
5 place into the Senate bill. In order to vote the  
6 Senate bill out of Committee, it's not necessary for  
7 us to -- to use the exact language that came out of  
8 the Senate. We are free to substitute in our own  
9 policy preferences to that -- to that Senate bill  
10 and then move it through the House.

11 It's the Chair's intention that we have  
12 a -- please notice here, the Clerk's desk we have a  
13 timing device. And what -- what kind of a warning  
14 do we give them, Travis? We're going to allow 30 --  
15 three minutes of testimony per witness, and there's  
16 going to be a yellow light at 30 seconds. After  
17 that point in time, after each witness has had the  
18 opportunity to say whatever is on their mind  
19 uninterrupted for a period of three minutes, then  
20 the panel will at that point in time have the  
21 opportunity to ask questions.

22 We're going to go as long as it takes to  
23 hear from everybody to the extent that they wish for  
24 us to hear from them. I -- I would say that to the  
25 extent that there are any part of you that are



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006487

TX\_00033629

USA\_00021369

1 like-minded folks and came from a particular part of  
2 the State and there's one person that speaks for  
3 that group and -- as a matter of efficiency, it  
4 would be just as well for you if one person spoke  
5 for five or ten people. Again, I'm not telling you  
6 to do that, but if there's anybody who would wish to  
7 do that, I certainly will allow you to say, "I'm  
8 hear speaking on behalf of this group," and allow  
9 the group that you're speaking on behalf of to stand  
10 behind you as you begin to make your presentation.

11 In order to comply with the rules of the  
12 House, it's going to be important whenever you  
13 testify for you to state your name and who you  
14 represent on the record and to direct your testimony  
15 to the bill before the Committee at the time that  
16 you're testifying. So, you know, when -- we're  
17 going to take up Senate Bill 362 first, again, which  
18 is the vehicle that is likely to be moved to vote  
19 whatever language we agree to in Committee out of  
20 Committee. At that point in time please limit your  
21 testimony to Senate Bill 362.

22 After we finish hearing testimony on that,  
23 we will go to the new business and hear those bills,  
24 as well, in -- in -- in -- early together as a  
25 group or individually bill by bill by bill depending



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006488

TX\_00033630

USA\_00021370

1 on what time it is and -- and circumstances that we  
2 find ourselves in at that point in time.

3 All right. I think that's a general  
4 description of how we're going to proceed.

5 Do we have some witnesses that are going  
6 to be first? Do you understand who that is?

7 REPRESENTATIVE ANCHIA: Mr. Chair --

8 CHAIRMAN SMITH: Representative  
9 Anchia.

10 REPRESENTATIVE ANCHIA: -- there will  
11 be Representatives that need to leave because  
12 they're laying out bills.

13 CHAIRMAN SMITH: Sure. This is not,  
14 unfortunately, the only thing that the members of  
15 the Committee have going on. There are committees  
16 meeting all over the Capitol as we speak, throughout  
17 the evening, throughout the afternoon. The members  
18 of the Committee -- in fact, some of them do as we  
19 speak -- they're in other committees laying out  
20 other bills in front of other committees. And so we  
21 will have members that will be bouncing from other  
22 obligations to this hearing as is necessary  
23 throughout the afternoon and evening.

24 Representative Dunnam, Chairman Dunnam.

25 UNIDENTIFIED REPRESENTATIVE: Yeah.



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006489

TX\_00033631

USA\_00021371

1 Chairman Smith, I'm not a member of the Committee,  
2 but I wanted to know if you would entertain one  
3 procedural question based on something you just  
4 said.

5 CHAIRMAN SMITH: Okay.

6 REPRESENTATIVE DUNNAM: You just said  
7 the Senate Bill 362 would be used as the vehicle for  
8 whatever came out of this Committee. And I'm not --  
9 I'm not sure, but is the Chair aware that if you  
10 limit that to the vehicle, then you are prohibiting  
11 any amendment or alteration in 362 that is not  
12 germane to 362? Therefore, the House is going to be  
13 constrained by the Senate's approach, and we will  
14 not be able to offer alternatives that go beyond  
15 the -- the approaches that the Senate made.

16 If that's -- if the decision has already  
17 been made that that is going to be the vehicle, then  
18 I just want to know, because then -- because my  
19 suggestions may not be germane under our procedural  
20 rules in the House. And I just want to know if that  
21 decision's already been made.

22 CHAIRMAN SMITH: To -- to -- I  
23 believe that what I said is that that decision is  
24 likely to be the vehicle for any issues. I  
25 didn't -- I didn't say this, but what I intended to



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006490

TX\_00033632

USA\_00021372

1 imply to the extent that it is germane and certainly  
2 to the extent that we are hearing non-germane  
3 additional pieces of legislation, then to the extent  
4 that the Committee wishes to, we would have the  
5 ability to vote those bills out separately. But to  
6 the extent that it is germane, I think it is the  
7 intent of the Chair to -- to rely on the Senate bill  
8 as a vehicle for -- for legislation that is germane  
9 to the Senate bill.

10 UNIDENTIFIED REPRESENTATIVE: If the  
11 House -- the House Committee -- if your Committee  
12 does come up with an alternative, a comprehensive  
13 alternative regarding the issue of voter  
14 impersonation that is not germane, is -- is the  
15 House going to be able to vote on --

16 CHAIRMAN SMITH: If we do that then I  
17 will have changed my intent. I'm simply expressing  
18 my presumption at this point.

19 UNIDENTIFIED REPRESENTATIVE: That --  
20 and that's all I was asking.

21 CHAIRMAN SMITH: Okay.

22 UNIDENTIFIED REPRESENTATIVE: Thank  
23 you.

24 CHAIRMAN SMITH: Thank you.

25 Chair at this time will pass the gavel to



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006491

TX\_00033633

USA\_00021373

10

1 Vice Chairman Pena.

2 VICE CHAIR PENA: (Inaudible).

3 CHAIRMAN SMITH: Yeah.

4 VICE CHAIR PENA: The Chair  
5 recognizes Representative Bohac as being present.

6 The Chair now lays House -- SB-362 by  
7 Fraser as pending business and calls on  
8 Representative Smith to explain the bill.

9 REPRESENTATIVE SMITH: Members of the  
10 Committee, you have already had the opportunity to  
11 listen to a fairly exhaustive description of what is  
12 in the Senate bill. For purposes of the audience  
13 and in order to do this in as summary a manner as  
14 possible, the Senate bill provides for a number of  
15 mechanisms by which the public is to be notified of  
16 the changes that would -- would, under that Senate  
17 bill, occur in our election law. And in its  
18 simplest form, the Senate bill alters current law,  
19 which requires that any voter in this state provide  
20 some sort of identifier on a designated list of  
21 photo identifications or on a designated list of  
22 non-photo identifications. That's current law.

23 What the Senate law does in general is  
24 change current law so that instead of requiring  
25 either one form of photographic identification or



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006492

TX\_00033634

USA\_00021374

1                   one form of non-photographic identification, again  
2                   on these designated lists, allows a voter to cast a  
3                   vote with either one form of photo identification or  
4                   two forms of non-photo identification on the  
5                   non-photo I.D. list.

6                   There are other technical aspects to  
7                   testimony. For example, requiring that the  
8                   Department of Public Safety provide a free  
9                   identification card for members of the public who  
10                  indicate that their sole purpose for obtaining that  
11                  card is to use it for purposes of voting in  
12                  elections in our state. That's a -- that's a very  
13                  general explanation of my understanding of what is  
14                  in Senate Bill 362.

15                  VICE CHAIR PENA: Let's open it up  
16                  for questions. Members, do we have any questions?

17                  All right.

18                  UNIDENTIFIED REPRESENTATIVE:

19                  Mr. Chairman?

20                  VICE CHAIR PENA: Yes.

21                  CHAIRMAN SMITH: We have a number of  
22                  witness affirmation forms. Again, I'll help you  
23                  with the rules. As you present yourself -- and the  
24                  first person we wish to hear from today is Randall  
25                  Buck Wood, who is a lawyer who is here today to



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006493

TX\_00033635

USA\_00021375

12

1 testify -- yes.

2 VICE CHAIR PENA: (Inaudible).

3 REPRESENTATIVE BROWN: I just had one  
4 question before you proceed.

5 CHAIRMAN SMITH: Oh, I'm sorry.

6 Yeah.

7 REPRESENTATIVE BROWN: I think it's  
8 real important that we address what happens when  
9 someone fails to present the needed documents at the  
10 time they -- they come to -- to vote. And so I  
11 would like to hear you, then, explain in -- in the  
12 Senate bill what happens at that point if they don't  
13 have those needed documents. Do they vote the  
14 provisional ballot and then have so many days to  
15 come back and prove up what...

16 CHAIRMAN SMITH: Yeah. I -- I -- I  
17 don't recall there being a specific provision. And  
18 so my -- my -- my -- I believe I'm correct in saying  
19 that provisional ballots would be handled pursuant  
20 to current law.

21 REPRESENTATIVE BROWN: Okay. So  
22 there's -- okay. But they would -- they would vote  
23 a provisional ballot at that point?

24 CHAIRMAN SMITH: Yes.

25 REPRESENTATIVE BROWN: Okay.



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006494

TX\_00033636

USA\_00021376

13

1 CHAIRMAN SMITH: Just as a voter  
2 would now if they are not on the voter registration  
3 rolls. That's my understanding.

4 REPRESENTATIVE BROWN: Thank you.

5 CHAIRMAN SMITH: Okay. At this time  
6 the Chair calls Randall Buck Wood, who is an  
7 attorney representing himself and who's here today  
8 to testify against Senate Bill 362. Welcome.

9 RANDALL BUCK WOOD: Thank you,  
10 Mr. Chair, Members of the Committee.

11 CHAIRMAN SMITH: Your name and who --

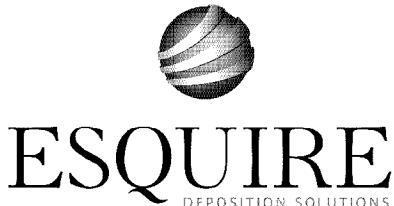
12 RANDALL BUCK WOOD: My name is  
13 Randall Buck Wood. Buck is really my middle name.  
14 Nobody wants to believe that --

15 CHAIRMAN SMITH: Right.

16 RANDALL BUCK WOOD: -- but I was born  
17 in Athens, by the way.

18 Members, I know I've got a very short  
19 period of time here. I believe -- I listened to a  
20 lot of the testimony yesterday on this issue.

21 I was director of the Elections Division  
22 in the Secretary of State's office starting in 1969  
23 under (inaudible), Jr. and then later Bob Bullock.  
24 I have been doing elections work contests,  
25 investigations, practicing in the area of elections



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006495

TX\_00033637

USA\_00021377

1 ever since.

2 I will say that the overriding goal of  
3 this Committee and this Legislature should be to do  
4 one thing, make certain that every qualified voter  
5 who is actually qualified get to vote and that vote  
6 gets counted. That should be your goal.

7 I believe that this can be accomplished  
8 within the framework of Senate Bill 362. And here's  
9 the issue: One, although this bill does require  
10 certain identification, it -- it -- it does allow  
11 you to vote a provisional ballot, but it needs to do  
12 more than that.

13 One of the things that we're all operating  
14 with, I can tell you that in all of the 35-plus  
15 years that I've been doing this I've never found  
16 anybody impersonating. And I do election contests  
17 and we investigate these. We investigate them  
18 diligently. I've never found a person  
19 impersonate -- impersonating another voter.

20 I do know that it probably happens here  
21 and there. I have never found a non-citizen -- and  
22 I bet I've done 25 election contests all across the  
23 State where we looked for citizenship. I have never  
24 found a single citizen or a non-citizen voting in an  
25 election.



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006496

TX\_00033638

USA\_00021378

15

1 I'm sure -- I know that a few years ago we  
2 had election contests here in the House, and they  
3 claimed they were going to have 200-something  
4 illegal citizens. And it turned out they had one.

5 What we need to do is very simply this:  
6 Don't educate the voter not to come to the voting  
7 place. Educate the voter to come to the polling  
8 place, because the voter is going to get the vote.  
9 And ensure that that vote is counted if the proper  
10 identification information is presented to the  
11 proper officials within the time period.

12 It will do two things. There's this  
13 argument that there is a problem, and no one knows.  
14 The fact of the matter is if we do this bill  
15 properly we will then know within a few elections if  
16 we have a problem. And if we have, we will have  
17 stopped it. And if we don't have a problem, we  
18 don't need to go through all this anymore. The  
19 simple way to do that is allow each individual who  
20 doesn't have proper identification to vote not just  
21 a provisional ballot but a special provisional  
22 ballot that will be marked for identification  
23 purposes so that you will be able to pull those out  
24 of people who didn't have identification. Give that  
25 information to the candidates, the officials and



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006497

TX\_00033639

USA\_00021379

1 have the registrars or the elected officials that  
2 are going to be running the election make a  
3 reasonable attempt to contact that individual and  
4 find out if they are citizens. And I can tell you  
5 that this can be done and it will be done. There  
6 will be enough candidates and other individuals that  
7 contact these people and try and determine if they  
8 are actually citizens. And then we must mandate  
9 that that vote gets counted, because right now even  
10 though it's supposed to be true, provisional ballots  
11 in many cases are not ever being counted even where  
12 they're -- they're legitimate votes.

13 CHAIRMAN SMITH: Okay. Mr. Wood,  
14 thank you. I'm sorry. I'm going to try to stick  
15 somewhat with this. But I do want to give the  
16 Members of the Committee an opportunity to ask you  
17 questions. Representative Anchia.

18 REPRESENTATIVE ANCHIA: Yes, sir.  
19 Mr. Wood, you talked a little bit about non-citizen  
20 voting. But I want to make sure we have our -- our  
21 terms and our definitions straight.

22 Voter I.D. is designed to deal with voter  
23 impersonation at the polls. Non-citizen voting  
24 would not be prevented by voter I.D.

25 To the extent it happens, typically what



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006498

TX\_00033640

USA\_00021380

1           we've found in our -- in our study of this during  
2           the 2005 session, 2006 session, 2007 session --  
3           okay. Excuse me, 2006 interim, 2008 interim, is  
4           that if there are legal permanent residents -- if  
5           there are non-citizens voting, it's legal permanent  
6           residents. And I think we found maybe two or  
7           three --

8                           RANDALL BUCK WOOD: Yeah.

9                           REPRESENTATIVE ANCHIA: -- of these  
10                          cases. And this Senate bill would not stop a legal  
11                          permanent resident from voting, because most, if not  
12                          all, legal permanent residents have driver's  
13                          licenses or some state I.D.

14                          RANDALL BUCK WOOD: Yeah.

15                          REPRESENTATIVE ANCHIA: I just want  
16                          to make sure we have our -- our terms correctly --  
17                          defined correctly.

18                          Can we talk really, really quickly about  
19                          voter fraud in Texas? Have you -- have you --  
20                          you've done election contests, many of them. Have  
21                          you found voter fraud in Texas?

22                          RANDALL BUCK WOOD: Yes.

23                          REPRESENTATIVE ANCHIA: What type and  
24                          Were?

25                          RANDALL BUCK WOOD: It's almost



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006499

TX\_00033641

USA\_00021381

1 totally restricted -- when I say voter fraud what I  
2 mean is someone who is intentionally going in and  
3 trying to rig the system.

4 REPRESENTATIVE ANCHIA: Uh-huh.

5 RANDALL BUCK WOOD: Okay? I -- that  
6 does exist in Texas. And, in fact, it exists in all  
7 areas of the State, and it is serious.

18 REPRESENTATIVE ANCHIA: I was going  
19 to say, does the Senate bill do anything about it?

20 RANDALL BUCK WOOD: No, it does not.

21 REPRESENTATIVE ANCHIA: Mail-in  
22 ballots.

23 RANDALL BUCK WOOD: No, it does  
24 nothing, and that's where the voter fraud is.

25 We have another type of voter fraud that's



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006500

TX\_00033642

USA 00021382

1                   considered fraud. But it's -- it's people voting  
2                   where they -- when they shouldn't be voting there.  
3                   And that's where people -- they grew up, you  
4                   know, somewhere and mama still lives there, they  
5                   move away and they keep voting at home. And after a  
6                   while, the Court says you can't do that. I find  
7                   quite a bit of people who are not residents of that  
8                   voting precinct or even that county still voting in  
9                   that county. And this Senate bill won't do anything  
10                  about that, either, because they vote by mail; most  
11                  of them vote by mail.

12                   REPRESENTATIVE ANCHIA: Absentee  
13                  ballots?

14                   RANDALL BUCK WOOD: Absentee ballots.  
15                  Now, some of them do turn up on election day.  
16                  They'll actually go back home. They'll go from San  
17                  Antonio to Laredo or from Houston to Polk County or  
18                  wherever.

19                   We do have another type of -- when I said  
20                  non-citizen voting, I mean, this -- this was all by  
21                  mail, too. And that is you have people who belong  
22                  to -- or not belong to; they actually buy a service  
23                  from an organization in Texas. And then that --  
24                  they get registered in Texas. And even though most  
25                  of them have never been in -- a lot of them have



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006501

TX\_00033643

USA\_00021383

20

1 never been in Texas and most of them have spent very  
2 little time here, but they vote here and they vote  
3 here by the thousands. They do that in order to --

4 REPRESENTATIVE ANCHIA: Is that  
5 organization called ACORN or something like that?

6 RANDALL BUCK WOOD: No. It's called  
7 Escapees.

8 REPRESENTATIVE ANCHIA: Escapees.  
9 Explain what Escapees is.

10 RANDALL BUCK WOOD: Escapee [sic] is  
11 a business. It is a business that services people  
12 who travel and have RVs. And they have a  
13 campground, very small one, in Polk County. And the  
14 Escapees control Polk County. There's about 15,000  
15 of them that -- that register to vote in Polk  
16 County. That -- that elects all kind -- they elect  
17 all the county-wide officials, the County  
18 Commissioner, the Sheriff, everybody, school board,  
19 even though none have kids in school. But this bill  
20 won't do anything about that, because almost all of  
21 them vote by mail.

22 REPRESENTATIVE ANCHIA: I want to  
23 make sure I understand that situation.

24 These are people many of whom do not live  
25 in Texas. You said it's an RV club or --



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006502

TX\_00033644

USA\_00021384

1 RANDALL BUCK WOOD: It's a -- it's an  
2 RV club.

3 REPRESENTATIVE ANCHIA: It's an RV  
4 club. These people don't live in Texas?

5 RANDALL BUCK WOOD: No, they don't  
6 live here.

7 REPRESENTATIVE ANCHIA: 15,000 of  
8 them vote how, by mail?

9 RANDALL BUCK WOOD: By mail.

10 REPRESENTATIVE ANCHIA: And how big  
11 is the RV park? I mean, do they --

12 RANDALL BUCK WOOD: Hold -- hold  
13 about 300 vehicles.

14 REPRESENTATIVE ANCHIA: So 300  
15 vehicles and 15,000 people are voting there.

16 RANDALL BUCK WOOD: And if -- and  
17 if -- the main reason they want to do it, first of  
18 all, it -- the Escapees' business does provide a  
19 good service to these people.

20 REPRESENTATIVE ANCHIA: Uh-huh.

21 RANDALL BUCK WOOD: But the main  
22 reason they do, if you register your car in Polk  
23 County and you get a voter registration card in Polk  
24 County, you tell California you're no longer paying  
25 their income tax. And that's why most of them do



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006503

TX\_00033645

USA\_00021385

1 it.

2 REPRESENTATIVE ANCHIA: It is a  
3 tax -- it's a tax deal?

4 UNIDENTIFIED REPRESENTATIVE: Yes,  
5 it's a tax avoidance.

6 RANDALL BUCK WOOD: It's a tax  
7 avoidance issue. But they vote and they vote in  
8 large numbers. And there's been some bills about  
9 this in the past --

10 CHAIRMAN SMITH: Yes. We've had some  
11 legislation about this in the past. I can't  
12 remember it off the top of my head. It was a hot  
13 issue three or four sessions ago.

14 RANDALL BUCK WOOD: It was. And by  
15 the way, the Legislature even made it easier for  
16 them to vote and more difficult for them to be  
17 challenged in -- for -- about three or four sessions  
18 ago, because I file election contests down there.  
19 And they took depositions all over the country, and  
20 everybody had a place to live. They lived in  
21 Arizona or they lived -- or they had a permanent RV  
22 spot. But they're members of the Escapees and they  
23 vote. They control Polk County bond elections, you  
24 name it.

25 Now, that -- that's one that's -- these



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006504

TX\_00033646

USA\_00021386

1 people are good people. They're not -- they're not  
2 crooks, but they don't live in Texas and they're not  
3 citizens of Texas. And if it was done -- most of  
4 them -- in Blanco County, the Attorney General would  
5 be out there in nothing flat and say, "You can't do  
6 that," but that hasn't happened.

7 UNIDENTIFIED REPRESENTATIVE:

8 Mr. Wood, I want to ask a question. You -- you said  
9 that you and some friends had spent a lot of time  
10 looking at the issue of how you could get at the  
11 no -- at the problem of absentee ballot fraud.  
12 What's the block there? What's the -- help me with  
13 the dilemma of why you're having trouble find a  
14 solution to that problem.

15 RANDALL BUCK WOOD: I worked with  
16 Senator Zacharany (phonetic), and I can't remember  
17 how many members of the House over a period of  
18 sessions trying to figure out how to preserve the no  
19 excuse -- no excuse mail absentee voting especially  
20 over the age of 65. That's where -- that's where it  
21 applies. You can also -- you could go below 65 if  
22 you're disabled. And we've never been able to  
23 figure out a way to whip that problem and at the  
24 same time allow those people who are really entitled  
25 to vote that way and should be able to vote that way



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006505

TX\_00033647

USA\_00021387

1 to vote. We've never been able to do it. There's  
2 just not -- we used to -- we didn't -- we used to  
3 have an excuse. You had to have an excuse. Not --  
4 just being 65 didn't get it. You had to have a note  
5 from a doctor or somebody that said that you were  
6 not able to attend the polling place.

7 We got rid of that and there's organized  
8 fraud in that -- in that area. I have tried  
9 election contests where we found thousands of them  
10 that had never -- the people never even voted their  
11 ballots.

12 UNIDENTIFIED REPRESENTATIVE: People  
13 what?

14 RANDALL BUCK WOOD: People didn't  
15 vote their ballots. Ballots were taken away from  
16 them, they were taken away from their mailboxes, all  
17 sorts of things that you would have a hard time  
18 believing. We proved it up, through the election  
19 out in -- and it happened to -- occurred in Webb  
20 County. I've seen it -- I've seen it in east Texas,  
21 I've seen it in San Antonio, I've seen it in Dallas.  
22 They go to nursing homes, and these people are not  
23 in a position of registering to vote. And then  
24 they'll go by and vote them, and that -- that  
25 happens. And there's nothing in Senate Bill 362



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006506

TX\_00033648

USA\_00021388

25

1 that's going to help that.

2 UNIDENTIFIED REPRESENTATIVE: Did --  
3 did -- is there anything in the Woolens (phonetic))  
4 litigation that was passed in -- early in this  
5 decade that helped any in that regard?

6 RANDALL BUCK WOOD: He tried to.

7 UNIDENTIFIED REPRESENTATIVE: Yeah.

8 RANDALL BUCK WOOD: He tried to -- he  
9 tried to restrict the number of people that you  
10 could assist in -- because in -- this is organized.

11 UNIDENTIFIED REPRESENTATIVE: Uh-huh.

12 RANDALL BUCK WOOD: But he tried to.  
13 It has had some impact. But I just try election  
14 contests not too long -- I guess it was the spring,  
15 and it -- it's still there.

16 UNIDENTIFIED REPRESENTATIVE: Okay.

17 Representative Heflin?

18 REPRESENTATIVE HEFLIN: Now,  
19 Mr. Wood --

20 RANDALL BUCK WOOD: Yes.

21 REPRESENTATIVE HEFLIN: -- back to  
22 provisional ballot thing --

23 RANDALL BUCK WOOD: Yes.

24 REPRESENTATIVE HEFLIN: -- now you're  
25 saying they would have the (inaudible) to cure the



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006507

TX\_00033649

USA\_00021389

1 deficiency that they didn't have the registration  
2 card or identification. Is that right?

3 RANDALL BUCK WOOD: Identification,  
4 yes.

5 REPRESENTATIVE HEFLIN: And let me  
6 preface this by saying, last night we heard  
7 testimony in Florida they gave them two days to  
8 cure; they were curing about a third of the special  
9 provision ballots for lack of I.D. and -- whereas in  
10 Georgia and Indiana, where they gave them five days  
11 to seven days, they were cured up to two-thirds.

12 So how many days would be an ideal time to  
13 give a voter the opportunity to cure their  
14 deficiencies in their --

15 RANDALL BUCK WOOD: Okay. You need  
16 enough time. Two days is just -- that's ridiculous.  
17 I mean, you're not going to get anybody cured in  
18 that period of time. You're just going to throw  
19 away a lot of people's -- actually, what you're  
20 doing by not having a sufficient time to cure,  
21 you're pitching out ballots of people who are truly  
22 qualified to vote. They should have been allowed to  
23 vote, and their vote should have counted. And I  
24 can't think of anything more important in our  
25 democracy than to make sure that those votes get



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006508

TX\_00033650

USA\_00021390

1 counted.

2 There's a present provision on provisional  
3 ballots. Unfortunately, it's not very strong  
4 about -- and I can tell you in many major counties  
5 they never count any provisional ballots. Even if  
6 they come in and verify, they don't count them.

7 You need -- I think you need at least  
8 seven days.

9 Now, what I also think you need to do is  
10 have involvement, not just of -- by the voter.  
11 Somebody needs to contact that voter and make sure  
12 the registrar has this information. You can contact  
13 that voter. Other people, third parties, can  
14 contact that voter and see if they are actually  
15 qualified to vote; supply -- help supply the  
16 additional information that needs to be to get their  
17 ballots counted.

18 I -- I -- I will tell you that I look for  
19 these kind of situations in every election contest.  
20 I've never found one yet.

21 REPRESENTATIVE HEFLIN: So -- so for  
22 instance, then, if you had it marked as a special  
23 provisional ballot and that person had the  
24 opportunity to cure, now you say others should be  
25 able to help them? Like, are you saying political



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006509

TX\_00033651

USA\_00021391

1 parties or whatever --

2 RANDALL BUCK WOOD: Yes.

3 REPRESENTATIVE HEFLIN: -- AARP,

4 whatever group --

5 RANDALL BUCK WOOD: Yeah. League of  
6 Women Voters.

7 REPRESENTATIVE HEFLIN: -- anybody?

8 Okay.

9 RANDALL BUCK WOOD: Many of these  
10 people who come into the polling place, they are  
11 qualified voters. They're not going to have this  
12 identification. I mean, that's what's going to  
13 happen. You're going to see it. Those people --  
14 there needs to be every effort made to make sure if  
15 that -- if that person is qualified to vote that  
16 their vote gets counted.

17 This issue, you know, Representative  
18 Anchia, that you brought up about voter  
19 impersonation, I've never -- I've never seen it. I  
20 read about one person that the Attorney General  
21 found. I've never seen it. I get told about it.  
22 When you get into election contests, oh, you get the  
23 supporters of whoever you're representing comes in  
24 and says, oh, we've got these things going here,  
25 these things going here. Most of it I investigate,



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006510

TX\_00033652

USA\_00021392

1 and it doesn't pan out.

2 I have actually had some people tell me,  
3 that, well, look at these all these signatures, they  
4 look the same; something went down and impersonated  
5 them and the election judge did this, that and the  
6 other. I've never found one, and I've done hundreds  
7 of these. Never ever found anybody impersonating  
8 anybody.

9 REPRESENTATIVE HEFLIN: What about  
10 this person comes back and shows proper I.D. or  
11 whatever they have to do to cure their ballot, so is  
12 that ballot changed to a regular ballot then?

13 RANDALL BUCK WOOD: It's done like a  
14 provisional -- an ordinary provisional ballot  
15 that -- see, most of the provisional ballots we get  
16 now is because the voter registration roles are just  
17 wrong. I mean, it's nothing -- it's going to  
18 happen. I mean, it does happen. It happens in  
19 every election, in fact, every precinct. It  
20 gives -- that ballot then gets counted in --

21 REPRESENTATIVE HEFLIN: Like a  
22 (inaudible).

23 RANDALL BUCK WOOD: -- and gets  
24 included in the totals.

25 REPRESENTATIVE HEFLIN: Now, one



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006511

TX\_00033653

USA\_00021393

1       thing that you said that I liked is we heard  
2       testimony last night that the -- the three states I  
3       mentioned don't have hard numbers on how many  
4       ballots were denied or made provisional because of  
5       voter I.D. or lack of identification.

6 So by marking as a special provisional  
7 ballot for that purpose, then we could actually  
8 track who's actually doing that.

9 RANDALL BUCK WOOD: You would be  
10 able -- law enforcement -- I know there's been some  
11 criticism of the A.G.'s office, because they've  
12 spent a lot of money and they haven't had a lot of  
13 results.

14 Local prosecutors -- it's true local  
15 prosecutors don't do this, because they've got rapes  
16 and murder and all this other stuff.

17                   This would actually -- if you do it this  
18 way, the local prosecutor as well as the Attorney  
19 General will know who went to the polling place and  
20 who wasn't entitled to vote. And we would find out  
21 within a few elections if this is really a problem,  
22 because we'll be able to identify those individuals.  
23 We'll be able to contact them. We'll be able to see  
24 if they were eligible to vote. And we for the  
25 first -- we'd be the first state in the nation, the



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006512

TX\_00033654

USA 00021394

1 first state in the nation, that can build a database  
2 and say, "Here's what the problem is or isn't." And  
3 we would be able to do that, I suggest, within one  
4 primary and one general election.

5 If we need this, fine. If we don't, then  
6 we don't need to be putting people through this.

7 The other thing I want to say is about  
8 education. The language in the Senate bill is  
9 misleading. And it -- it needs to be changed. You  
10 can frighten people away from the polls. We know  
11 this. We had a sit -- situation in Dallas County  
12 where back in the '80s the sheriff up there got kind  
13 of interested and he thought there was a lot of  
14 voter fraud going on. So he made himself up a  
15 placard and he put it in certain polling places.  
16 And it -- everything on it was true. It said,  
17 "Voter fraud will be prosecuted by the D.A.'s  
18 office, investigated by my office," and all this  
19 stuff. And he put it -- unfortunately for him, he  
20 put it in the minority polling places. That's the  
21 only place he put it. It had enormous impact.  
22 People in that area went in and looked at that, and  
23 they're not too sure -- people, many instances, not  
24 absolutely sure they're in the right polling place.  
25 They're not sure they didn't get -- maybe they



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006513

TX\_00033655

USA\_00021395

1 didn't get their card this year. Well, they just  
2 turned around and walked out. If you put it  
3 outside, you'll scare them off. They'll never even  
4 get in a polling place. You'll scare a major  
5 percentage of people away from the polling place.

6 You want to tell those people the truth,  
7 and that is they're going to be able to vote. Now,  
8 the vote essentially may not count, but they're  
9 going to be able to vote. We don't want to frighten  
10 people from going to the polling places they're  
11 qualified to vote.

12 REPRESENTATIVE HEFLIN: So you're  
13 saying that the education process instead of a -- it  
14 needs to be a process -- a voter enhancement process  
15 where we encourage people if they have the right to  
16 vote they should be voting, and that it will be  
17 cured on the back end if they forgot their I.D. that  
18 day?

19 RANDALL BUCK WOOD: You want to tell  
20 them the truth. If you come to the polling place  
21 and you're qualified to vote, you're going to get to  
22 vote.

23 REPRESENTATIVE HEFLIN: (Inaudible).

24 RANDALL BUCK WOOD: Now, it may turn  
25 out that they're not qualified. And I'm sure



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006514

TX\_00033656

USA\_00021396

1                   there's some people out there. I don't find them,  
2                   but I'm sure there's some out there. There's got to  
3                   be some. And it's just like Representative Anchia  
4                   said, we found two or three in 50 years. And -- but  
5                   most of the people that are turning up at the  
6                   polling places, I've had -- I've had people tell me,  
7                   oh, they know this -- this mother and father, and  
8                   he's not a citizen. And sure enough, he's  
9                   registered. He got caught in a voter registration  
10                  drive, and he's 75 years old. But I go look, he  
11                  didn't vote. It just -- it just don't do that.

12                  I'm not saying it doesn't happen, but it  
13                  happens so seldom that I've never caught it.

14                  CHAIRMAN SMITH: Representative  
15                  Bonnen, Chairman Bonnen.

16                  REPRESENTATIVE BONNEN: I'm kind of  
17                  curious. You said the Senate language was flawed  
18                  and that it would frighten people from voting, but  
19                  my understanding of the Senate language is it's  
20                  simply to explain and show them what identifications  
21                  would be acceptable.

22                  And I guess the question I would ask you  
23                  is if we were to change or remove that language,  
24                  would you then not raise election questions about  
25                  any voter who's said, "Well, I wasn't aware of what



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006515

TX\_00033657

USA\_00021397

1 I needed to go vote"?

2 RANDALL BUCK WOOD: As I understand  
3 what I'm proposing, those persons are going to be  
4 allowed to vote. It may be a provisional special  
5 ballot, but they're going to be allowed to vote.

6 To tell them that they're not going to be  
7 able -- what that language does, it tells them if  
8 you don't have this identification, you're not going  
9 to be allowed to vote.

10 REPRESENTATIVE BONNEN: I think it  
11 explains to them the process.

12 RANDALL BUCK WOOD: The --

13 REPRESENTATIVE BONNEN: And all I'm  
14 asking is would you then not raise a challenge or a  
15 contest for the voter who says, "I didn't know it.  
16 I showed up and I cast a provisional ballot or no  
17 ballot, because I didn't know I had to have an  
18 electric bill with my address to be able to vote",  
19 that we don't give them that information?

20 RANDALL BUCK WOOD: That person is  
21 going to be allowed to vote. You're not -- you need  
22 to tell them, "You're going to be allowed to vote."  
23 That's the first thing you need to tell them.

24 REPRESENTATIVE BONNEN: And I think  
25 that's what the Senate language would allow for them



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006516

TX\_00033658

USA\_00021398

1 to be told.

2 RANDALL BUCK WOOD: Well, the

3 language that --

4 REPRESENTATIVE BONNEN: I mean, I  
5 don't want --

6 RANDALL BUCK WOOD: -- the language  
7 on the notice --

8 REPRESENTATIVE BONNEN: Uh-huh.

9 RANDALL BUCK WOOD: -- it doesn't say  
10 anything like that. It tells you basically, "If you  
11 don't have this kind of information, you're not  
12 going to be allowed to vote." That's --

13 REPRESENTATIVE BONNEN: No, that's --  
14 that -- no. It makes it clear to them what you just  
15 said, that they're going to be able to have a  
16 provisional vote.

17 RANDALL BUCK WOOD: It does that, but  
18 when you read it --

19 REPRESENTATIVE BONNEN: Whoa, whoa.  
20 It does that. Correct?

21 RANDALL BUCK WOOD: After it gets  
22 done telling them about all this other information  
23 that they have to have.

24 REPRESENTATIVE BONNEN: Well, all I'm  
25 simply asking you is if that --



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006517

TX\_00033659

USA\_00021399

1 RANDALL BUCK WOOD: No. I would not  
2 be able to bring a lawsuit, because I -- I -- my  
3 client would have been allowed to vote. So --

4 REPRESENTATIVE BONNEN: Well, your  
5 client would be allowed to vote under the current  
6 Senate language.

7 RANDALL BUCK WOOD: It would never  
8 get counted and we would never know --

9 REPRESENTATIVE BONNEN: I think  
10 you're talking in a circle. I mean, you just said  
11 if the language were different they had be able to  
12 provide a provisional ballot.

13 RANDALL BUCK WOOD: Special  
14 provisional ballot.

15 REPRESENTATIVE BONNEN: Okay. Well,  
16 the Senate language would be -- explain to them that  
17 they would be allowed to provide a provisional  
18 ballot. So it sounds like we're talking in a  
19 circle.

20 RANDALL BUCK WOOD: The Senate  
21 language, as I read it, the first impression that it  
22 gives any voter is if I don't have this I'm not -- I  
23 don't have this type of identification I'm not going  
24 to be allowed to vote. You then get down to the end  
25 of it --



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006518

TX\_00033660

USA\_00021400

1 REPRESENTATIVE BONNEN: So the voter  
2 would only read a small portion of the language is  
3 your testimony?

4 RANDALL BUCK WOOD: I think that  
5 language, if you -- if you set up a special  
6 provisional ballot so these people would be able to  
7 vote, you don't need that -- you don't need that  
8 education.

9 REPRESENTATIVE BONNEN: So you're  
10 saying -- okay. And I want to be clear about this.

11 So you're saying if we remove the language  
12 which we do have provisional ballots, this bill  
13 allows for provisional ballots, you wouldn't be  
14 challenging anything because they weren't informed?

15 RANDALL BUCK WOOD: Right now, today,  
16 if I go in -- forget Senate Bill 362.

17 REPRESENTATIVE BONNEN: But we are  
18 talking about Senate Bill 362. That's the problem.

19 RANDALL BUCK WOOD: I understand.

20       But right now if I go in to vote I'm asked for my  
21       driver's license, I'm asked for other information.

22 Sometimes I don't have my voter registration card,  
23 but I'm allowed to vote. The only difference would  
24 be that these people would vote a special  
25 provisional ballot.



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006519

TX\_00033661

USA\_00021401

1 REPRESENTATIVE BONNEN: Right.

2 RANDALL BUCK WOOD: So if -- if  
3 you're going to allow them to vote, you don't want  
4 to tell them that they --

5 REPRESENTATIVE BONNEN: We're going  
6 to allow them to vote. And I just want to be  
7 clear --

8 RANDALL BUCK WOOD: Your provisional  
9 ballot --

10 REPRESENTATIVE BONNEN: -- language  
11 is no problem for you in raising a contest?

12 RANDALL BUCK WOOD: No.

13 REPRESENTATIVE BONNEN: Okay. So you  
14 wouldn't do that in those terms?

15 RANDALL BUCK WOOD: No. And --

16 REPRESENTATIVE BONNEN: Okay. Also,  
17 (inaudible) said that by -- Representative Heflin  
18 raised the question about the two-day, and we had  
19 very good discussion yesterday about the two-day  
20 return to correct a provisional in -- in seven day  
21 [sic] or how we would do it. But you made the  
22 comment that no one would ever be able to do that.  
23 And we have no information on that. But the  
24 gentleman from Georgia actually supplied us some  
25 exceptionally good information. And it's as you



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006520

TX\_00033662

USA\_00021402

1 defined. I mean, if we did it a certain way we  
2 would have it remedied in one primary, one general.  
3 Well, Georgia has had 16 elections under the voter  
4 I.D. process. And in the general election -- I'm  
5 not going to get my percentage right, but it was  
6 .0003 or something were the number of provisional  
7 ballots due to I.D. or lack of I.D. And it was  
8 about 1100 - I'm rounding my numbers - about 1100.  
9 And they actually had, I believe, from 250 to 290 or  
10 so who did return within two days to show that  
11 information.

12 RANDALL BUCK WOOD: Right. I  
13 understand that.

14 REPRESENTATIVE BONNEN: Well, but you  
15 said that would never happen.

16 RANDALL BUCK WOOD: Two day -- well,  
17 two days is such a short period of time you're going  
18 to disenfranchise a significant number of people.

19 REPRESENTATIVE BONNEN: Well, a  
20 significant number -- and we have fact basis in --  
21 in actual variety in the State of Georgia and their  
22 reaction and their response.

23 Also, in the State of Georgia, they had  
24 one of the highest turnouts in the history of the  
25 state and one of the highest turnouts in the nation



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006521

TX\_00033663

USA\_00021403

40

1 under the voter -- with the voter I.D. law in place.

2 And so I guess, you know, my concern is  
3 that I want to address the issues. I want to  
4 address the problems. And I wish -- you remember  
5 the vote number there, Duane? What was the vote  
6 number in Georgia? 3.5 -- 3.9? 3.9 million voters?  
7 Yeah.

8 RANDALL BUCK WOOD: I understand.

9 REPRESENTATIVE BONNEN: And so we had  
10 1100, which only take -- one's too many. I want to  
11 be clear about that. But the thing that I would  
12 encourage us to do here today is let's talk  
13 rationally, let's talk on the facts and on the  
14 points. And let's not talk with flowing and -- and  
15 broad language, because to say no one is going to do  
16 that, it -- it -- it doesn't get to the --

17 RANDALL BUCK WOOD: I would --

18 REPRESENTATIVE BONNEN: -- get to the  
19 issue.

20 RANDALL BUCK WOOD: -- I would  
21 respectfully suggest to you if that were doing --

22 CHAIRMAN SMITH: I'm sorry, but I  
23 want to interrupt at this point in time.

24 REPRESENTATIVE BONNEN: (Inaudible).

25 CHAIRMAN SMITH: -- I'm sorry,



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006522

TX\_00033664

USA\_00021404

1 members of the audience, but it becomes --

2 REPRESENTATIVE BONNEN: Don't do  
3 that.

4 CHAIRMAN SMITH: -- troublesome --

5 REPRESENTATIVE BONNEN: Yeah.

6 CHAIRMAN SMITH: -- if we're having  
7 the reaction of the audience every time someone  
8 makes a remark one way or the other.

9 REPRESENTATIVE BONNEN: Right.

10 CHAIRMAN SMITH: So if you would,  
11 please, out of respect for the witnesses or the  
12 Members --

13 REPRESENTATIVE BONNEN: Right.

14 CHAIRMAN SMITH: -- well, whether the  
15 rule is --

16 RANDALL BUCK WOOD: (Inaudible).

17 CHAIRMAN SMITH: -- the rule is, --  
18 and the Members agreed to this in advance, was that  
19 we were going to allow the witness to make a  
20 3-minute opening comment and then, of course, allow  
21 the members of the legislature on this panel to ask  
22 whatever questions they want of the witnesses.  
23 Obviously did encourage the Members on the panel to  
24 use their discretion. And I think what we're doing  
25 is we're fleshing out some of these issues with some



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006523

TX\_00033665

USA\_00021405

1 of these earlier witnesses. And everybody in the  
2 audience receives the benefit of these questions.  
3 And as we work our way through the testimony,  
4 obviously, I don't anticipate that we'll have as  
5 many questions as we do of some of the earlier  
6 witnesses.

7 REPRESENTATIVE BONNEN: (Inaudible).

8 CHAIRMAN SMITH: With that, please  
9 continue.

10 RANDALL BUCK WOOD: There's two --

11 REPRESENTATIVE BONNEN: He was saying  
12 something. I want to let him finish his comment.

13 UNIDENTIFIED REPRESENTATIVE: Yeah.

14 RANDALL BUCK WOOD: There's two  
15 things I would like to comment about on these other  
16 statistics on these other states. One, if you  
17 really worked on it -- and I'm not saying just the  
18 government, but if the individuals -- I mentioned  
19 The League of Women Voters. If they really worked  
20 at it, I think Georgia would find they have not  
21 1100, but maybe they have 25. If you cut it off --  
22 if you cut it off, you're -- those -- some people  
23 are just not going to go back and do that.

24 I'll make another point.

25 REPRESENTATIVE BONNEN: Wait a



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006524

TX\_00033666

USA\_00021406

1 minute. Talk about that. I don't see how you get  
2 to 2500 when we have the actual numbers.

3 RANDALL BUCK WOOD: No, no. I said  
4 25, not 2500.

5 REPRESENTATIVE BONNEN: So you're  
6 saying only 25 votes?

7 RANDALL BUCK WOOD: I'm saying -- I'm  
8 saying I can't find these kind of people that this  
9 voter identification is posed to -- I've never found  
10 in all -- almost 40 years of practice --

11 REPRESENTATIVE BONNEN: Let me --

12 RANDALL BUCK WOOD: -- I'm not --

13 REPRESENTATIVE BONNEN: -- you're  
14 (inaudible) the issue, though.

15 RANDALL BUCK WOOD: If you let these  
16 people --

17 REPRESENTATIVE BONNEN: But you just  
18 flipped the issue we were discussing. I wasn't  
19 talking about the number of people who shouldn't  
20 have voted or voted fraudulently. I was  
21 discussing -- you earlier said no one would come  
22 back, that all -- you know, numerous votes would be  
23 tossed; you know, large numbers would be tossed. I  
24 was referring to the fact basis of numbers on what  
25 the percentages and what the numbers were in Georgia



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006525

TX\_00033667

USA\_00021407

1 as to what does return and who is not being able to  
2 vote due to an I.D. That's what I was referring to.  
3 I wasn't referring to whether they were fraudulent  
4 votes or not.

5 RANDALL BUCK WOOD: Okay. And I'm  
6 saying that if you spend enough time --

7 UNIDENTIFIED REPRESENTATIVE:  
8 (Inaudible).

9 RANDALL BUCK WOOD: -- we don't have  
10 forever.

11 UNIDENTIFIED REPRESENTATIVE:  
12 (Inaudible).

13 RANDALL BUCK WOOD: You -- I  
14 believe -- because of my experience and on the  
15 groundwork, I believe that you'll find that almost  
16 none of those that were finally rejected really  
17 should have been rejected.

18 REPRESENTATIVE BONNEN: You're  
19 saying --

20 RANDALL BUCK WOOD: I don't think  
21 there's really a problem, but I think we ought to  
22 find out. Me saying it -- somebody says there is a  
23 problem; I say there isn't a problem. It doesn't  
24 get us anywhere. It doesn't get us anywhere.

25 Now, the other thing I want to mention



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006526

TX\_00033668

USA\_00021408

45

1 because you -- you ballot it up, these statistical  
2 comparisons --

3 REPRESENTATIVE BONNEN: I'm not  
4 giving you comparisons. I'm just --

5 RANDALL BUCK WOOD: Okay. You  
6 mentioned the fact that voter turnout actually was  
7 higher than it was in the previous elections.

8 That -- considering --

9 REPRESENTATIVE BONNEN: Highest in  
10 the country, quite frankly.

11 RANDALL BUCK WOOD: -- that that  
12 is -- that is -- no statistician would ever rely on  
13 anything like that, because elections -- every  
14 election is different. You have different  
15 candidates. I suggest to you that one election to  
16 another cannot be compared. You don't know how many  
17 people would have voted --

18 REPRESENTATIVE BONNEN: You didn't --

19 RANDALL BUCK WOOD: -- you don't know  
20 that.

21 REPRESENTATIVE BONNEN: And that  
22 comment was made by a gentleman yesterday, and I  
23 think it was a great comment to make. And I asked  
24 him, and I'll ask you. So, then, are we going to  
25 agree that you then at the same -- if we accept that



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006527

TX\_00033669

USA\_00021409

1 argument as to how you can't, as you just stated,  
2 know how many would have voted had there not been  
3 voter I.D. and that there is so many different  
4 factors and you can't just look at just that  
5 election and come up with that statistical  
6 information, than just that, that there's so many  
7 factors, that then you can't make the same argument  
8 that is frequently made, the voter I.D. in turn has  
9 suppressed or would suppress a vote? Because the  
10 argument is -- the argument is there's numerous  
11 factors.

12 So would you agree that we'll just --  
13 we'll just concede that argument to each other?

14 RANDALL BUCK WOOD: Yes.

15 REPRESENTATIVE BONNEN: Fair enough.

16 RANDALL BUCK WOOD: I think  
17 statistical analysis of turnout is meaningless. In  
18 fact, the United States Supreme Court in the Indiana  
19 case basically said that. They said, you know, this  
20 is interesting, but it doesn't tell us anything.

21 REPRESENTATIVE BONNEN: I've done  
22 this.

23 CHAIRMAN SMITH: Representative  
24 (inaudible).

25 UNIDENTIFIED REPRESENTATIVE: Buck,



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006528

TX\_00033670

USA\_00021410

1 how are you?

2 RANDALL BUCK WOOD: I'm doing fine.

3 UNIDENTIFIED REPRESENTATIVE: I want  
4 to touch on two things. The one is the ballot by  
5 mail, because I've served on this Committee for four  
6 terms, and on one hand you have a group that says,  
7 well, it's all in the ballot by mail. Then when we  
8 try to do something in ballot by mail; we say, well,  
9 there is no problem. You're in search of a problem  
10 that doesn't exist. We don't get anything done on  
11 ballot by mail.

12 RANDALL BUCK WOOD: Well, I'm not one  
13 of those that tells you that.

14 UNIDENTIFIED REPRESENTATIVE: I know  
15 it. But yesterday we heard testimony that ballot by  
16 mail is not even an issue. And -- but -- but you  
17 said something that was interesting a minute ago,  
18 you said it's organized. And I want to explore what  
19 you meant by the term it's organized.

20 When you were talking about ballot by mail  
21 you paused for a moment and you said, "It's  
22 organized", and you kind of took a step back.

23 Tell us what that means, it's organized.

24 RANDALL BUCK WOOD: Individuals in  
25 many instances get paid by candidates -- this is



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006529

TX\_00033671

USA\_00021411

1 almost always a local issue. Nobody does this to  
2 affect a Governor's race or even a state Senator  
3 race maybe, certainly no statewide races. It's  
4 about local issues, local candidates. There's  
5 people that get paid to do this. We -- we know  
6 that. I've fleshed them out all over the State.  
7 Some of them do it out of -- on -- as part of just  
8 their politics, but many of them get paid. They  
9 maintain contact with elderly people in nursing  
10 homes, in their homes, and they maintain that  
11 contact all the time. And if I'm running for county  
12 judge - and I did one of these on a county judge  
13 election contest - I go and hire these -- these  
14 people that do this. And they go to the clerk's  
15 office, and they find out when ballots are mailed  
16 out to these elderly individuals. And they go to  
17 their house. And many times they vote for them and  
18 sometimes they just take the ballot. In many  
19 instances, they tell them who to vote for. It's  
20 totally unsupervised. It's not like a polling place  
21 where you've got an election judge standing there.  
22 It's totally unsupervised. It happens. In nursing  
23 homes -- I've seen entire nursing homes canvassed by  
24 these people. And when I say it's organized, it is.  
25 And I'm talking about, you can -- you can -- a



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006530

TX\_00033672

USA\_00021412

1 thousand votes is nothing in what these people can  
2 do.

3 They should be prosecuted. It's hard to  
4 do, but it should be done. But, you know -- I'm not  
5 going to tell you which county, but I found a county  
6 in east Texas where a nursing home -- you know, they  
7 had the highest voter registration than any group in  
8 the country. Everyone in the nursing home --  
9 nursing home was voting. And it was -- people  
10 didn't even know -- they didn't know what was going  
11 on. It was pathetic.

12 But some candidates will go to that  
13 length, because they think it's going to be a close  
14 race. They'll do it.

15 UNIDENTIFIED REPRESENTATIVE: Buck,  
16 that's -- you know, that's referred to -- we've  
17 referred it -- referred to it as vote harvesting,  
18 where you actually go out and sell a vote, you help  
19 people with the application, you help people vote  
20 the ballot, you get paid by -- by vote -- by  
21 candidates.

22 RANDALL BUCK WOOD: Yes.

23 UNIDENTIFIED REPRESENTATIVE: And I  
24 agree that that is a big source of voter fraud. But  
25 what we've found out from the testimony yesterday is



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006531

TX\_00033673

USA\_00021413

1 that D.A.s don't prosecute it. You know why?  
2 Because if they're Republican, they get blasted by  
3 the Democrats, and if they're a Democrat, they get  
4 blasted by the Republicans. So the reason we  
5 can't -- we can't -- at least according to the  
6 testimony we heard yesterday, one of the reasons we  
7 can't prosecute this voter fraud is because it's so  
8 politically sensitive. These district attorneys get  
9 blasted from both sides.

10 RANDALL BUCK WOOD: That's true.

11 UNIDENTIFIED REPRESENTATIVE: And so  
12 what voter I.D. is seeking to do is kind of separate  
13 the issue. Yes, we have an issue with mail --  
14 ballot by mail, I agree.

15 On the voter -- on the photo I.D., we --  
16 you could argue almost to some degree that we're  
17 trying to make it easier, because I cannot keep up  
18 with that voter registration card. And I bet if I  
19 asked for a show of hands, it is very, very  
20 difficult to keep up with that card.

21 What we're saying with this Senator bill  
22 is that you don't even need the card. Just go and  
23 present your official form of I.D.- I think there's  
24 about five or more - and you're going to vote. No  
25 keeping one card. No -- no figure out where you put



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006532

TX\_00033674

USA\_00021414

1 it or finding it on election day. You merely go and  
2 present that card.

3 Now, if we could help people -- this  
4 percentage of people who don't have access to a  
5 card, what if we could help them through mobile  
6 evidents or through -- through free cards? What if  
7 we could help identify people who may be at risk for  
8 not having this photo I.D.? If we could help them  
9 get that, would that allay your fears about this  
10 particular requirement?

11 RANDALL BUCK WOOD: What I'm  
12 concerned about -- and I'm not speaking to you. I'm  
13 speaking to -- about registrars, election officials  
14 in county by county. The Senate bill actually  
15 provides some money for these people to get out  
16 there and tell people about this.

17 The way that language is going to be used  
18 is critical. And it will -- if it's not  
19 extremely -- it's not -- shall be very, very  
20 carefully drafted, it will scare people away from  
21 the polls. I mean, it just does.

22 I don't have a driver's license. Well,  
23 telling me that somehow or the other -- you know,  
24 I -- I hear this probably -- I find out about  
25 this -- I hear on the radio, maybe I get an



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006533

TX\_00033675

USA\_00021415

1 incomplete version of it, and I think, well, I don't  
2 have a driver's license; I can't vote. It's not  
3 true. You are going to be allowed to vote. We need  
4 to make certain that they understand if they go to  
5 the polling place they're going to be allowed to  
6 vote.

7 And you can talk about how to get more  
8 identification and so forth. But don't scare the  
9 voter away from the polling place with a sign out in  
10 front of it that says, "Here's what you've got to  
11 have".

12 Now, down here at the bottom you may say  
13 you may vote a provisional ballot, but right now  
14 that's pretty meaningless. We need to make it  
15 meaningful in such a way that if they do vote, it  
16 gets counted if we can supply that information. And  
17 I don't know what Georgia does about how long third  
18 parties -- to contact people if they make that  
19 information to them so that third parties have --  
20 contact those individuals and say, "Do you have an  
21 electric bill," do you have this or do you have  
22 that.

23 We don't -- we don't have that ability  
24 right now, because we don't know who's being turned  
25 away because of identification and will not under



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006534

TX\_00033676

USA\_00021416

1 the Senate bill the way it's written.

2 UNIDENTIFIED REPRESENTATIVE: Well,  
3 and -- and I want to leave you with one comment. We  
4 also heard testimony from one of the folks yesterday  
5 that the former mayor of Georgia, Andrew Young of  
6 Atlanta, said upon reflection that perhaps this is  
7 not necessarily a bad idea, because as we help  
8 people get photo I.D.s we help them enter the  
9 mainstream, and we help them become more prosperous,  
10 and we help them grow as individuals. So -- so  
11 maybe there -- maybe there is room in this bill  
12 where -- with -- where we help everyone, addressing  
13 your concern about people who maybe have access  
14 issues about getting a photo I.D., but at the same  
15 time understanding that as we help people get a  
16 photo I.D. we actually help them proactively become  
17 more successful in -- in our society. And I  
18 think --

19 RANDALL BUCK WOOD: I have no  
20 objection whatsoever over a period of time trying to  
21 make sure that people have photo I.D.s.

22 What I am most concerned about is in  
23 the -- in the meantime -- let's take the next  
24 election, 2010 or the Presidential elections in  
25 2012. We are not going to have those people --



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006535

TX\_00033677

USA\_00021417

1 everybody have a photo I.D. during that period of  
2 time. It's just too quick.

3 I have no objection to encouraging people  
4 to get a photo I.D. In fact, if the Feds have their  
5 way about it, by 2016 everybody that's got a Social  
6 Security is going to have a photo I.D.

7 UNIDENTIFIED REPRESENTATIVE: I think  
8 everyone on this Committee is really sensitive about  
9 the photo I.D and helping people get it and giving  
10 access issues. And we've kicked around some ideas  
11 about maybe allowing for two-year implementation  
12 where you have two full years to help people get an  
13 I.D. It's just one of the concepts; not necessarily  
14 that it would be adopted, but I just want to let you  
15 know the Committee is sensitive. Everyone on this  
16 Committee is trying to figure out a way -- you know,  
17 a solution that everyone can live with. And I want  
18 to thank you for your testimony.

19 RANDALL BUCK WOOD: Okay. Unless  
20 somebody has --

21 CHAIRMAN SMITH: Representative  
22 Brown?

23 REPRESENTATIVE BROWN: Hi, Mr. Wood.  
24 Could we back up to the beginning of your  
25 testimony?



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006536

TX\_00033678

USA\_00021418

1                   Are you for this bill?

2                   RANDALL BUCK WOOD: I wouldn't -- I  
3                   would support --

4                   REPRESENTATIVE BROWN: You've  
5                   testified long --

6                   RANDALL BUCK WOOD: -- as I have  
7                   proposed, I would support a bill. The bill as it is  
8                   right now, no, I do not support it as it's written  
9                   right now.

10                  REPRESENTATIVE BROWN: Okay.

11                  RANDALL BUCK WOOD: I think it can be  
12                  amended --

13                  REPRESENTATIVE BROWN: The sheet you  
14                  filled out, did you say for or against?

15                  RANDALL BUCK WOOD: Against.

16                  REPRESENTATIVE BROWN: Against.

17                  RANDALL BUCK WOOD: On 362 as it's  
18                  written now, against.

19                  REPRESENTATIVE BROWN: Okay. Well,  
20                  that makes more sense to me from what you've said.

21                  As I understand your testimony, you've  
22                  said, "I don't believe there's any voter fraud; I  
23                  don't believe there's any fraud in registration."

24                  UNIDENTIFIED REPRESENTATIVE: No.

25                  RANDALL BUCK WOOD: I didn't say



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006537

TX\_00033679

USA\_00021419

1 that.

2 REPRESENTATIVE BROWN: Now, wait a  
3 minute. You refuted everything that was presented  
4 about the -- the fraud in voting or in registration,  
5 saying that it was done accidentally or  
6 inadvertently somebody did something, not  
7 intentional and so on.

8 RANDALL BUCK WOOD: Well, we're  
9 talking about -- I think --

10 REPRESENTATIVE BROWN: That's been  
11 your test -- testimony so far.

12 RANDALL BUCK WOOD: I disagree with  
13 that. That's not what I said.

14 I said that there are people who go to the  
15 polls who believe they're entitled to vote that  
16 particular precinct in a particular county, and  
17 they're not really entitled to. They are really not  
18 residents of that area or that precinct.

19 REPRESENTATIVE BROWN: Uh-huh. Okay.

20 RANDALL BUCK WOOD: But they  
21 generally don't do that for fraudulent purposes.  
22 They actually believe and they sign the affidavit --  
23 they believe that they're entitled to vote in that  
24 precinct.

25 When I said -- was asked if there's fraud,



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006538

TX\_00033680

USA\_00021420

1 I said yes, there's fraud. I don't consider it to  
2 be fraud for someone to mistakenly go into the wrong  
3 precinct.

4 REPRESENTATIVE BROWN: And I don't  
5 really consider that fraud, either.

6 So you're saying there's no intentional  
7 fraud in --

8 RANDALL BUCK WOOD: In most of these  
9 instances, no.

10 REPRESENTATIVE BROWN: How is that  
11 different from what I just present -- well, never  
12 mind.

13 Anyway --

14 UNIDENTIFIED REPRESENTATIVE:  
15 Possibly clarify. I think -- are you talking about  
16 in person fraud versus -- you earlier, I think, made  
17 it perfectly clear that you believe there's  
18 organized fraud with regard to absentee ballots.

19 RANDALL BUCK WOOD: Yes. I'm talking  
20 about people that walk into the polling place and  
21 want to vote.

22 REPRESENTATIVE BROWN: Uh-huh.

23 RANDALL BUCK WOOD: I seldom -- I --  
24 I just -- I don't find any fraud there. I mean,  
25 it's -- I've never seen anybody impersonate anyone



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006539

TX\_00033681

USA\_00021421

1           else. I read in an article that a deceased -- you  
2           see this, a daughter voted for her mother who was  
3           deceased. And I have no doubt that something like  
4           that occurs now and again. I just simply, after  
5           hundreds of -- I've never found out that it was  
6           true. And -- and I agree that there's one out  
7           there.

8                   But people present themselves at a polling  
9           place and they want to vote, and they really believe  
10           they're entitled to vote there.

11                   REPRESENTATIVE BROWN: Are you aware  
12           that we heard this gentleman quoted over and over  
13           yesterday in our -- in our hearings that works for  
14           the D.A. in Harris County, and he -- and he said  
15           that it was virtually impossible to prosecute  
16           without a confession in voter fraud? The person  
17           comes in, votes and leaves and disappears, and it's  
18           virtually impossible to prosecute. So we had  
19           example after example of how hard it is to track  
20           voter fraud down. I mean, it's just almost  
21           impossible. And then you add to that the reluctance  
22           of D.A.s to -- you know, to not -- to take their  
23           time and efforts away from prosecuting murder,  
24           rape -- you know, all the violent crimes. And so  
25           it's easier to understand.



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006540

TX\_00033682

USA\_00021422

1                   But one question for you. Don't you think  
2 it's a little naive of us -- well, just think about  
3 the last election and all the -- the revelations  
4 there were about what ACORN was doing with going --  
5 registering so many people that were not eligible to  
6 vote. Don't you think that it's a little naive of  
7 us to think that all of this fraud is going in  
8 registration and yet these people are not reaching  
9 the polls? I -- I -- do you think --

10                  RANDALL BUCK WOOD: That's been my  
11 experience. It's been my experience that they don't  
12 go vote. And I think it was the experience -- they  
13 do not go vote.

14                  Voter registration drive, when you pay  
15 people by the -- as ACORN was doing, when you pay  
16 them by their name, you're just inviting people to  
17 put a bunch of people on the rolls that -- that  
18 either -- maybe they were eligible, but they really  
19 didn't register. And I have not -- I've found  
20 people on voter registration rolls that were clearly  
21 ineligible to vote.

22                  I have never found one that went and  
23 voted. I'm saying that someone might lead them to  
24 believe that they're eligible to vote and they may  
25 go vote. But people who know they're ineligible,



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006541

TX\_00033683

USA\_00021423

1       they just don't vote. They -- you know, you're --  
2       you -- you're talking about something that I've been  
3       doing almost 40 years.

4 CHAIRMAN SMITH: Okay. Members of  
5 the audience --

6 REPRESENTATIVE BROWN: Thank you.

7 CHAIRMAN SMITH: -- I think this  
8 could go on all night long. I just want to make it  
9 perfectly clear, I don't -- didn't mind -- you can  
10 make whatever grimace with your face you wish to  
11 make. Make whatever facial expression you wish to  
12 make in reaction to the testimony, but please do not  
13 make any noise in response to the testimony. I  
14 think it's rude and it's offensive. And -- and we  
15 need to be respectful of -- of --

16 UNIDENTIFIED REPRESENTATIVE:  
17 (Inaudible).

18 CHAIRMAN SMITH: -- every witness,  
19 whatever their opinion is, treat everybody the same,  
20 give them the opportunity to speak, regardless of  
21 whether they represent the majority of views in the  
22 audience.

23 Representative -- Vice Chairman Pena.

24 VICE CHAIR PENA: Good afternoon,  
25 Mr. Wood.



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA 006542

TX\_00033684

USA 00021424

1 RANDALL BUCK WOOD: Yes.

2 VICE CHAIR PENA: How are you?

3 I've seen your name around the courthouse.

4 I've heard your name around the courthouse in south  
5 Texas. You've tried cases in the Valley.

6 RANDALL BUCK WOOD: Yeah. I've tried  
7 cases -- I never tried one in Del Rio, but I've  
8 tried them in every border county from Cameron to  
9 Laredo.

10 VICE CHAIR PENA: And typically these  
11 are losing candidates who hire you trying to look  
12 for some sort of voter fraud, some way to overturn  
13 the election. Is that correct?

14 RANDALL BUCK WOOD: I sometimes get  
15 hired on the winning side, but most of mine actually  
16 comes from the losing side, that's correct.

17 VICE CHAIR PENA: But nevertheless,  
18 there's some sort of incentive for you to find fraud  
19 if it's there or if it's not?

20 RANDALL BUCK WOOD: Certainly,  
21 because in -- in many of these elections there are  
22 ten or 15-vote difference.

23 VICE CHAIR PENA: Right.

24 RANDALL BUCK WOOD: So we look. And  
25 amazingly enough -- I think you know this, and it's



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006543

TX\_00033685

USA\_00021425

1 true. I grew up over in east Texas. People know  
2 people.

3 VICE CHAIR PENA: Right.

4 RANDALL BUCK WOOD: And every --  
5 you've got somebody in everybody's camp in each of  
6 little community, each little segment of the  
7 community who's supporting your candidate. And they  
8 know whether these people are eligible to vote or  
9 not and have questions about it. And I get a lot of  
10 leads.

11 VICE CHAIR PENA: Right.

12 RANDALL BUCK WOOD: And I investigate  
13 them. I'm telling you I don't find any.

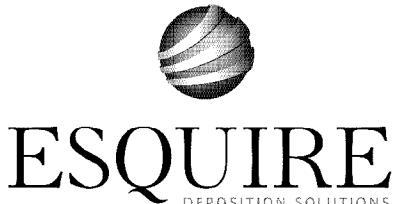
14 VICE CHAIR PENA: And the description  
15 of -- you made of the mail-in ballot problem, that's  
16 real, is it not?

17 RANDALL BUCK WOOD: It is.

18 VICE CHAIR PENA: Okay.

19 RANDALL BUCK WOOD: I think it's  
20 better now than it was seven or eight years ago.

21 VICE CHAIR PENA: Right. After  
22 Woolens (phonetic) I noticed that it decreased --  
23 mail-in ballots, at least in my county, decreased.  
24 And I take that as a response to the -- to the bill  
25 that Representative Woolens passed. Is that your --



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006544

TX\_00033686

USA\_00021426

1 RANDALL BUCK WOOD: It helped.

2 VICE CHAIR PENA: It did help.

3 But that -- that is offensive. And many  
4 of the people here are from my community, and I'm  
5 sure we're going to hear things about that. But --  
6 but in the Valley with all of the allegations of  
7 corruption and voter -- voter fraud, have you ever  
8 found a voter impersonation product?

9 RANDALL BUCK WOOD: No. And I have  
10 had people come and tell me, "I want to look at all  
11 these signatures on this list. It looks like one  
12 person signed all these names."

13 Well, of course, if I've got a ten-vote  
14 election and there's 20 signatures out there that  
15 look strange, we're going to talk to all 20 of these  
16 people. And we do. And I have never found an  
17 impersonation.

18 VICE CHAIR PENA: And I'm sure in --  
19 living in my community where there are Mexicans  
20 living with -- Mexican Americans living with Anglo  
21 Americans there's always allegations that Mexicans  
22 are voting. Do you hear that?

23 RANDALL BUCK WOOD: Mexicans are  
24 voting? Mexican citizens?

25 VICE CHAIR PENA: Mexican citizens.



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

1 RANDALL BUCK WOOD: I've never found  
2 one. I'm not saying that it doesn't happen. I'm  
3 just saying I've never found one.

4 VICE CHAIR PENA: You've never found  
5 one.

6 RANDALL BUCK WOOD: And I can assure  
7 you in many election contest -- I've tried them in  
8 Cameron County, I've tried them in Hidalgo County,  
9 Starr -- you just go right up the border. Even in  
10 (inaudible) Brooks, Crystal -- Zavala, Zapata. I  
11 have never found anyone impersonating anyone, and  
12 I've never found a non-citizen that actually voted.

13 VICE CHAIR PENA: Okay.

14 RANDALL BUCK WOOD: I've found  
15 them -- they were registered. But I've not found  
16 those people that were voting.

17 VICE CHAIR PENA: So although you  
18 recognize, as I do, that the reality that there is  
19 dirty politics or voter fraud on occasion, when it  
20 comes to voter impersonation, you've not seen that  
21 as (inaudible)?

22 RANDALL BUCK WOOD: And it's  
23 something that -- that I've looked for. And I  
24 didn't even realize that this impersonation issue  
25 until recently was a big issue, because it -- it's



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006546

TX\_00033688

USA\_00021428

1 just -- it's just -- it just doesn't happen.

2 VICE CHAIR PENA: Okay. And --

3 RANDALL BUCK WOOD: I realize that  
4 somebody like that woman that went in and voted for  
5 her mother, I'm sure that happens here and there.  
6 But you're probably talking about a handful  
7 statewide.

8 VICE CHAIR PENA: Okay. And, again,  
9 with regards to Senate Bill 362, do you see anything  
10 addressing voter impersonation?

11 RANDALL BUCK WOOD: Well, I  
12 understand that it's supposed to do something about  
13 it, but I -- I think the way it goes about it is  
14 wrong.

15 VICE CHAIR PENA: And how is that?

16 RANDALL BUCK WOOD: Because the  
17 educational effort in order to try to get people to  
18 have cards -- and I agree with Representative Bohac,  
19 I think it's a good idea if everybody had a card. I  
20 kind of like the idea of having to have papers like  
21 they do in Europe. You know, they've got to carry  
22 around a card. But -- for voting and other  
23 purposes, it's helpful. And I would like to see  
24 everybody that has a Social to have a card.

25 I'm concerned, very concerned, that the



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006547

TX\_00033689

USA\_00021429

1 way Senate Bill 362 is presently written, in its  
2 educational efforts, the education is actually going  
3 to leave people with the impression that if they  
4 don't have this identification they're not going to  
5 be allowed to vote. And that's -- that is -- that's  
6 much more damaging.

7 Let's get them into the polling place,  
8 find out who they are, and find out if they are, in  
9 fact, voting and they're not -- they're not legal or  
10 they -- maybe there's an impersonation out there  
11 every once in a while.

12 VICE CHAIR PENA: Okay.

13 RANDALL BUCK WOOD: Let's get them in  
14 the polling place, let them vote, count their vote  
15 if they're legal.

16 VICE CHAIR PENA: I think I misspoke  
17 in my question.

18 What I meant was with regards to the  
19 mail-in ballot problem and all the other dirty  
20 politics that you see, does Senate Bill 362 address  
21 that?

22 RANDALL BUCK WOOD: No, it does not.

23 VICE CHAIR PENA: Thank you very  
24 much.

25 CHAIRMAN SMITH: It may be a relief



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006548

TX\_00033690

USA\_00021430

1 to the audience to -- to be told that the Members  
2 are far less inquisitive once the cameras leave.

3 Representative Heflin.

4 REPRESENTATIVE HEFLIN: Just to clear  
5 a couple of points. Let me say the point I was  
6 trying to make on the provisional ballots is if we  
7 go five days as opposed to two, you nearly double  
8 the amount of people that clear up their -- their --  
9 their ballots or count. So that was a question I  
10 had.

11 Now, you say that -- why -- why is voter  
12 fraud more prevalent in mail-in ballots? Is it  
13 because it's easier to do?

14 RANDALL BUCK WOOD: It's  
15 unsupervised.

16 REPRESENTATIVE HEFLIN: And what --  
17 and what --

18 RANDALL BUCK WOOD: And it allows  
19 people to --

20 REPRESENTATIVE HEFLIN: Impersonate  
21 50 people to be effective.

22 RANDALL BUCK WOOD: They don't  
23 impersonate people. These people actually exist.  
24 They go and actually -- I remember one time in  
25 Beeville -- I had a contest in Bee County. And I



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006549

TX\_00033691

USA\_00021431

1 had where the ballots -- they were following the  
2 mailman around. And when he would go to the  
3 mailbox, they would go take the ballot out of the  
4 mailbox and vote.

5 REPRESENTATIVE HEFLIN: Let me -- let  
6 me ask you this last question then. In Texas was  
7 there an organized effort by ACORN to operate here  
8 in Texas, or was that strictly in other states?

9 RANDALL BUCK WOOD: It certainly  
10 wasn't in Texas.

11 REPRESENTATIVE HEFLIN: It wasn't?

12 RANDALL BUCK WOOD: Yeah. And we --  
13 not to ever have voter registration being done on a  
14 piecemeal basis.

15 In other words, paying by the name, I  
16 don't care whether it's ACORN or who it is, it  
17 done -- you'll get -- you'll get fraud in there.

18 REPRESENTATIVE HEFLIN: Thank you  
19 very much.

20 RANDALL BUCK WOOD: Okay.

21 REPRESENTATIVE HEFLIN: We appreciate  
22 your testimony.

23 CHAIRMAN SMITH: Representative  
24 Bohac?

25 REPRESENTATIVE BOHAC: I want to come



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006550

TX\_00033692

USA\_00021432

1 back to just a couple of things.

2 I have heard oftentimes that there would  
3 be in the poll book where you would have one person  
4 and you would see kind of a repeating signature.

5 Now, you've prosecuted or defended, or whichever  
6 side of the aisle, a number of these lawsuits. Have  
7 you ever seen a poll book which appeared to be a  
8 person who signed -- there was one person who signed  
9 multiple times as if they were different people?

10 RANDALL BUCK WOOD: Yes, I have seen  
11 that.

12 REPRESENTATIVE BOHAC: That's voter  
13 impersonation.

14 RANDALL BUCK WOOD: No, it isn't.  
15 The person actually went and voted. I went and took  
16 that poll list and it looked -- the problem to me is  
17 that probably somebody signed in a number of people.

18 So I went to those people. And it turns  
19 out -- you know what it was? Somebody thought they  
20 were being helpful in the polling place and one of  
21 the election officials wrote those names or those  
22 signatures in. I -- I've never seen it done  
23 otherwise.

24 REPRESENTATIVE BOHAC: (Inaudible).

25 RANDALL BUCK WOOD: I -- I -- listen,



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006551

TX\_00033693

USA\_00021433

1 that's one of the things -- you show me a poll  
2 that's like that, I get really excited. But I know  
3 if I call that person in and put them on the stand,  
4 I've got to go do some investigation or have  
5 somebody go do investigation. And when you go out  
6 and check it, I've never found it.

7 REPRESENTATIVE BOHAC: So it's your  
8 testimony that the voting clerk was being helpful to  
9 the person by signing their name in the poll book?

10 RANDALL BUCK WOOD: In that  
11 particular instance, that's exactly what they were  
12 doing.

13 I don't know -- we don't have -- one of  
14 the things -- this is -- I know this is not you  
15 all's issue. But we're having fewer and fewer  
16 people that are willing to work in polling places.  
17 It used to be that you were having the same people  
18 working every time. I used to be election judge. I  
19 haven't done it in a number of years. Especially in  
20 urban areas you can't find anybody to do it. We've  
21 got people that are going to be telling people  
22 things that have never worked in a polling place  
23 before. And that person that did that, I don't know  
24 why they did it. I didn't try to get them  
25 prosecuted, but they shouldn't have been doing it.



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006552

TX\_00033694

USA\_00021434

1       But they did it. But when we went and interviewed  
2       those people, they were absolutely convincing. They  
3       would have convinced a jury, judge or anybody else,  
4       I went down and I voted and this is my mother; she  
5       went with me.

6 I mean, it just -- we have uneducated  
7 people in our polling places to -- in lots and lots  
8 of places.

9 REPRESENTATIVE BOHAC: Well, I'll  
10 accept your explanation.

11 I'm going to pivot for just a moment on  
12 the education front. You saw how quickly the  
13 Chairman laid out the bill. He said on one hand you  
14 can show a photo I.D. On the other hand, if you  
15 don't have this, you have to show two forms of  
16 non-photo I.D. And you're saying that that --  
17 educating the public about those requirements would  
18 be almost insurmountable?

19 RANDALL BUCK WOOD: No. I think if  
20 you start out with your voter education and you  
21 don't let people tell people that they've got to  
22 have that, I mean, that is a real problem. I know  
23 what's going to happen. There is going to be  
24 television heads in major markets that says you've  
25 got to be able to have this information in order to



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA 006553

TX\_00033695

USA 00021435

1 be able to vote. There -- it's going to be there.  
2 And we're going to have a registrar, believe me,  
3 that are going to get -- put information out like  
4 that.

5 We -- we need to circumscribe that as best  
6 we can so that the person knows if they go to the  
7 polling place they're going to be able to vote.  
8 Now, if they're not qualified, their vote's not  
9 going to count. But they're going to be able to  
10 vote.

11 And by the way, I know that it was  
12 mentioned about the fact -- fact about carrying a  
13 voter registration card around with them. I carry  
14 mine 100 percent of the time. Most people don't.  
15 Well, they also don't carry electric bills; they  
16 don't carry hardly any of that information that's  
17 there. They just don't have it. If they don't have  
18 a driver's license, generally they have maybe a  
19 Social Security card or something, but they don't  
20 have the information. I want it clear if those  
21 persons are really qualified to vote, they get to  
22 vote. And if they get to vote, they get -- their  
23 vote is counted.

24 UNIDENTIFIED REPRESENTATIVE:  
25 (Inaudible).



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006554

TX\_00033696

USA\_00021436

1 UNIDENTIFIED REPRESENTATIVE: I want  
2 to -- I'm not going to ask you anymore questions,  
3 Buck. But you are really an important witness. We  
4 rarely get someone like you who knows the inside of  
5 the watch like you know it. And you know the  
6 solution to the ballot-by-mail problem, because  
7 you've seen it and you've lived it for decades.

12 RANDALL BUCK WOOD: The only way I  
13 know how to correct it is to go back to our system  
14 of having to have a -- a legitimate excuse and not  
15 just anybody over the age of 65 being able to vote  
16 by mail, because that's where the problem is. And  
17 we used to not have this problem.

18 Now, that puts a burden on those --  
19 however many people in order to get a note from  
20 their doctor or something of that nature, but that's  
21 the only way I know how to do it.

22 REPRESENTATIVE BOHAC: That's the  
23 first solution.



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA 006555

TX\_00033697

USA 00021437

1 RANDALL BUCK WOOD: No, I don't think  
2 so, either.

3 REPRESENTATIVE BOHAC: I don't think  
4 we want to do that. I think there's other solutions  
5 that you know of, that you're aware of. What can we  
6 do to get rid of this vote buying and this vote  
7 harvesting?

8 RANDALL BUCK WOOD: Short of that, I  
9 don't know anything, because you're going to mail a  
10 ballot out.

11 One of the things you could do -- now, I'm  
12 not suggesting that this be done. You could not  
13 publish the -- a list of the people who have been --  
14 mail ballots have been mailed to, because they go  
15 down to the clerk's offices, and they know every day  
16 how many ballots have been mailed out and to whom.  
17 And then they follow them up.

18 I'm not -- I don't know that it would stop  
19 it, but right now it's a very useful tool for them  
20 to be able to get that information immediately.  
21 They get it on a daily basis, how many people --  
22 now, (inaudible) have -- candidates have a  
23 legitimate reason for wanting to know that, because  
24 they want to write these people and say, "I want  
25 your vote."



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006556

TX\_00033698

USA\_00021438

1 UNIDENTIFIED REPRESENTATIVE: I --

2 I -- I think -- I think we corrected that. The  
3 information on who -- who -- we used to allow people  
4 to get a list of people -- people who submitted an  
5 application to vote by mail. We now only allow it  
6 48 hours after the ballot's already been turned to  
7 the Voter Registrar's office. So -- so that gap is  
8 gone.

9 RANDALL BUCK WOOD: I'm afraid  
10 it's -- that's not being uniformly enforced.

11 REPRESENTATIVE BOHAC: It's the law.

12 RANDALL BUCK WOOD: I -- I know that.  
13 I understand that. But I'm telling you that they  
14 have somebody in the clerk's office who tells  
15 somebody who they -- they know. I -- I just --

16 REPRESENTATIVE BOHAC: Thank you for  
17 your testimony. I don't have any more questions.  
18 Thank you.

19 RANDALL BUCK WOOD: You're welcome.

20 CHAIRMAN SMITH: All right.

21 Mr. Wood, in closing and in summary, I think the  
22 primary point that you brought before this Committee  
23 was your desire to see that to the extent that we  
24 have a changed or altered identification requirement  
25 and, therefore, have a provisional ballot, that we



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006557

TX\_00033699

USA\_00021439

1 structure those ballots in such a way that those  
2 people who are within a reasonable period of time  
3 following that, clearly identified as being a legal  
4 voter, have their votes counted.

5 Is that your primary concern?

6 RANDALL BUCK WOOD: And that  
7 information needs to be made available to everyone  
8 immediately so that they can be helped.

9 CHAIRMAN SMITH: Okay. That's  
10 what -- and so, in turn, I'm asking you to say --  
11 you believe Florida is the best way to do it, but  
12 certainly between Indiana and Georgia and Florida, I  
13 don't -- I assume your preferred choice would be  
14 Florida in terms of how they handle provisional  
15 ballots. Is that correct?

16 RANDALL BUCK WOOD: They handle it --  
17 they handle it more like what I'm suggesting. But  
18 one of the things that they -- I don't think they do  
19 is they don't keep statistics on which ballots are  
20 which. And that doesn't do you any good, because  
21 you never know how many people were turned -- were  
22 voting provisionally for one reason or voting  
23 provisionally for another reason.

24 CHAIRMAN SMITH: Yeah. Well, we did  
25 get testimony yesterday from a person, so I do



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006558

TX\_00033700

USA\_00021440

1 believe there is some -- I don't -- I don't know  
2 that we got into how they distinguished it, but he  
3 was able to tell us the number of ballots statewide  
4 that were cast on a provisional basis, the total  
5 amount that were cast --

6 VICE CHAIR PENA: Mr. Chairman, that  
7 was State of Georgia.

8 CHAIRMAN SMITH: Georgia and Florida.

9 VICE CHAIR PENA: And the gentleman  
10 from Florida said there was 14,000 or 15,000  
11 provisional ballots, and 1100 of them were  
12 provisionally cast due to not having an I.D.

13 RANDALL BUCK WOOD: Then they have --  
14 then they have something similar to what we need --

15 VICE CHAIR PENA: What?

16 RANDALL BUCK WOOD: -- and what that  
17 is so we can identify those --

18 VICE CHAIR PENA: (Inaudible).

19 CHAIRMAN SMITH: I just wanted it to  
20 be clear for the record.

21 RANDALL BUCK WOOD: Okay. I was not  
22 aware that they -- that they had that ability.

23 It -- it --

24 UNIDENTIFIED REPRESENTATIVE:

25 Mr. Chairman --



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006559

TX\_00033701

USA\_00021441

1 CHAIRMAN SMITH: In Florida, there  
2 were 8.3 million votes cast, and 394 were not  
3 counted because of the photo I.D. requirement  
4 statewide. That's what he found. And -- and -- and  
5 so -- but what I -- I think I hear you saying is  
6 what you would like is to even go beyond the Florida  
7 law and sort of provide this information to  
8 interested parties publicly so that they would have  
9 the opportunity to actually assist the person in  
10 providing the appropriate identification wherever it  
11 would need to be provided to comply with the law?

12 RANDALL BUCK WOOD: And I just --  
13 this -- you're -- yes. Yes. The answer to that  
14 question is yes.

15 I just touched on the fact --

16 CHAIRMAN SMITH: (Inaudible).

17 RANDALL BUCK WOOD: -- that no matter  
18 what we tell the election official to do at the  
19 polling place, it doesn't get done. People don't  
20 know. They really don't. And some of them can't  
21 hear. And so they need to have -- there needs to be  
22 a way that we try to help those people, because the  
23 people we're talking about - and we all know  
24 this - we're talking about elderly, infirmed,  
25 uneducated or not much education. So those



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA 006560

TX\_00033702

USA 00021442

1       socioeconomic minorities, that's what we're talking  
2       about, people who don't even own a car. So we  
3       don't -- this I.D. -- that I'm going to tell you at  
4       the polling place that you need to go do this within  
5       a certain numbers of days, they don't -- it's lucky  
6       they even got to the polling place. So --

7 CHAIRMAN SMITH: Tell me, do -- do  
8 we -- I mean, do we create problems if we post on  
9 the courthouse steps on election day the names of  
10 the people in the county who cast a ballot because  
11 they did not provide identification, from a privacy  
12 standpoint? From a standpoint of having people go  
13 to their house and aggressively and in ways that  
14 nobody would wish on these people attempt to assist  
15 them with making sure that their vote counted?

16 RANDALL BUCK WOOD: I -- I can't  
17 imagine a person who bothered to go to the polling  
18 place to vote not wanting their vote to count. And,  
19 yes, I am sure there will be instances where they  
20 will say, "I -- I don't care anymore. I don't want  
21 anybody talking to me anymore." I think that's a --  
22 a minor concern.

23 CHAIRMAN SMITH: So you don't -- you  
24 don't see there being a privacy concern or any  
25 question at all?



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEP  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA 006561

TX\_00033703

USA 00021443

1 RANDALL BUCK WOOD: When it comes to  
2 voting, you sign your name and you go in there to  
3 vote, that's public information.

4 Now, one thing that's not happening,  
5 though, is voter officials in local counties are not  
6 making that information available. They're supposed  
7 to, but they don't make it available. I want it put  
8 in the bill that the day after the election that you  
9 can get that information so that whatever number of  
10 days you set, something can be legitimately done.

11 CHAIRMAN SMITH: I thank you. I  
12 think all of the members of the Committee find your  
13 testimony to be interesting and knowledgeable and  
14 provided with a great deal of integrity. So we  
15 appreciate it.

16 REPRESENTATIVE VEASEY: One question.

17 CHAIRMAN SMITH: Yes, sir,  
18 Representative Veasey.

19 REPRESENTATIVE VEASEY:  
20 Representative Veasey from Fort Worth. Wanted to  
21 ask you just one question related to voter  
22 impersonation in the polls.

23 Based on your experience in investigating,  
24 you know, different voting improprieties  
25 particularly as it relates to third parties



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006562

TX\_00033704

USA\_00021444

1                   registering people to vote, do you think that if  
2                   someone were to commit voter impersonation that they  
3                   would do so with a fictitious name that is widely  
4                   known to others?

5                   I know like in the ACORN case, for  
6                   instance, you heard examples of football players  
7                   and -- and, you know, people writing in Mickey Mouse  
8                   and things like that.

9                   Do you think that voter impersonation  
10                  would occur if a third-party group were to sign  
11                  people up under the names of Mickey Mouse and Troy  
12                  Aikman? Because I don't think I could commit voter  
13                  impersonation under the name Troy Aikman. Maybe  
14                  Todd could, but I don't think I can. So...

15                  RANDALL BUCK WOOD: I don't -- I  
16                  don't see that as a problem. The ACORN issue was a  
17                  problem because they put a lot of people on the  
18                  rolls that -- that were not registered.

19                  REPRESENTATIVE VEASEY: Right.

20                  RANDALL BUCK WOOD: Okay? I --  
21                  I'm -- I'm no expert on what actually happened, but  
22                  I doubt seriously that many of these people -- they  
23                  didn't even know they were registered. And they  
24                  used names -- they just made up names in order to  
25                  get paid --



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006563

TX\_00033705

USA\_00021445

1 REPRESENTATIVE VEASEY: And that's  
2 the problem with people --

3 RANDALL BUCK WOOD: -- it's just --

4 REPRESENTATIVE VEASEY: --  
5 (inaudible) registration basis.

6 RANDALL BUCK WOOD: (Inaudible) I've  
7 seen voter registration drives pick up a few people  
8 who were not eligible to vote. But when I then  
9 tried to see if they voted, they didn't vote.

10 CHAIRMAN SMITH: Thank you, Mr. Wood.  
11 Appreciate you very much.

12 At this time the Chair calls Robin  
13 Armstrong to testify in favor of Senate Bill 362.

14 Please state your name.

15 ROBIN ARMSTRONG: I'm Dr. Robin  
16 Armstrong. And I'm testifying in favor of Senate  
17 Bill 362, requiring a voter to present proof of  
18 identification before voting.

19 Thank you, Committee, for allowing me to  
20 testify today. I appreciate that.

21 First question I ask is why is it  
22 important to require a photo I.D. to vote? I think  
23 to protect the integrity of our elections. There's  
24 a bipartisan committee. It's called the Commission  
25 On Federal Election Professionals here by former



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006564

TX\_00033706

USA\_00021446

1 President Jimmy Carter and former Secretary of State  
2 James Baker. They concluded -- and I'm going to  
3 quote this. It says, "To ensure that persons  
4 presenting themselves at the polling place are the  
5 ones on the registration list, the Commission  
6 represents that states use the real I.D. card. The  
7 card includes a person's full legal name, date of  
8 birth, signature, a photograph and a person's Social  
9 Security number."

10 Now, these requirements that the  
11 bipartisan commission came up with are actually more  
12 stringent than what is being asked in Senate Bill  
13 362.

14 Another reason for requiring a photo I.D.  
15 to vote is just the closeness of our elections.  
16 These elections are getting closer and closer in the  
17 State of Texas and nationwide. So I think the  
18 margin for error's less. I think that we need to  
19 make sure that we have mechanisms in place to  
20 prevent voter fraud.

21 We also must instill confidence in our  
22 electoral process. 70 percent of Texans, in a poll  
23 done by the University of Texas, support photo I.D.  
24 to vote. And so I think it will instill some more  
25 confidence in our -- in our voting public.



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006565

TX\_00033707

USA\_00021447

1                   There's a Rasmussen poll that reported  
2                   that 77 percent of likely voters across the country  
3                   believe that displaying a photo I.D. -- believe that  
4                   displaying a photo I.D. should be required to cast a  
5                   vote. And so this is a bipartisan issue amongst  
6                   Republicans and Democrats.

7                   Problem with the current Texas law is  
8                   anyone can use someone else's voter certification  
9                   card. Voter's certificate cards -- certificate  
10                  cards can be stolen or lost. There's no proof of  
11                  citizenship required.

12                  Now, there are actually incidences that  
13                  would support the need -- be prevented if there was  
14                  a photo I.D. to vote. In 2008 general election  
15                  there were 62,548 duplicate records, and so those  
16                  were names showing up multiple times on the rolls as  
17                  having voted. Now, whether actually voter fraud  
18                  took place or not, that's a -- you know, a lot more  
19                  duplicate names than should be there. Obviously,  
20                  hard to say that for sure. Like you said earlier,  
21                  it's hard to prove that.

22                  In Bexar -- in Bexar County, in 2004  
23                  primary election there were 41 deceased voters who  
24                  applied for application by mail.

25                  There are also some concerns, obviously,



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006566

TX\_00033708

USA\_00021448

1 about voter suppression in minority, poor or elderly  
2 precincts. I actually have a study here that was  
3 done in Indiana, and it was done by the Institute of  
4 Public Policy at the Harry S. Truman School of  
5 Public Affairs in Missouri. And it showed that  
6 actual -- it compared voter turnout before and after  
7 the vote. And afterwards it showed that actually  
8 the -- the -- the voting in minority precincts and  
9 those areas actually increased by 2 percent. And so  
10 photo I.D. did not suppress voter turnout in those  
11 instances.

12 Thank you.

13 CHAIRMAN SMITH: All right. I --  
14 I -- I just -- you mentioned the Carter Baker  
15 Commission --

16 ROBIN ARMSTRONG: Yes, sir.

17 CHAIRMAN SMITH: -- and you mentioned  
18 that -- that they had some more stringent  
19 requirements in terms of what they were requesting  
20 states to do than perhaps is in the Senate bill.

21 ROBIN ARMSTRONG: Correct.

22 CHAIRMAN SMITH: And I just want to  
23 indicate for the record that this report was issued  
24 in September of 2005. And just for purposes -- I  
25 assume that the members of the audience are familiar



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006567

TX\_00033709

USA\_00021449

1 with this report. You'll probably hear some more  
2 discussion of it during the meeting. It's a  
3 commission of experts that was appointed to look at  
4 the issue of our election process in general after  
5 the very interesting Presidential election that we  
6 had in 2000. It was headed by Republican former  
7 Secretary of State James Baker on the one hand and  
8 former President Jimmy Carter on the other. And  
9 they issued a very lengthy report, which I think all  
10 the Members of the Committee have looked at to some  
11 extent. And they do recommend a photo  
12 identification in conjunction with a real I.D. card,  
13 which simply has not taken off for a variety of  
14 reasons, including some degree of opposition, I  
15 understand, from both the right and -- and from the  
16 left. And they do recommend a -- a five-year  
17 transition period in this report. So they recommend  
18 that until -- and it was issued in 2005; that until  
19 January 1st, 2010, the State should require voters  
20 to present I.D. at the polls, but voters who fail to  
21 do so should nonetheless be allowed to cast a  
22 provisional ballot, and their ballot would count if  
23 their signature was verified. After January 1st,  
24 2010, their recommendation is voters without a valid  
25 photo I.D. could cast a provisional, but they would



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006568

TX\_00033710

USA\_00021450

1 have to return personally to the appropriate  
2 election office within 48 hours with a valid photo  
3 I.D. for their vote to be counted after that  
4 five-year transition period.

5 But I think it's important for everybody  
6 in the audience to understand and -- and -- and I'll  
7 ask you if you -- if you will and if you do, to  
8 agree with me that -- that there really were two  
9 sides of the recommendation of that commission. One  
10 was that we enhance the security at our polls and --  
11 and the other was that we simultaneously expand  
12 access to the polls by states taking affirmative and  
13 aggressive steps to register additional voters.

14 Do you recall that -- that collateral  
15 recommendation of that bipartisan commission?

16 ROBIN ARMSTRONG: No, I do not.

17 CHAIRMAN SMITH: Okay. Well --

18 ROBIN ARMSTRONG: I'm not disagreeing  
19 with you.

20 CHAIRMAN SMITH: I understand.

21 And I'll just represent to you, without  
22 getting into it, that -- and I'll read just a -- one  
23 sentence from their letter, which summarizes their  
24 findings. "We're recommending a photo I.D. system  
25 for voters designed to increase registration with a



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006569

TX\_00033711

USA\_00021451

1 more affirmative and aggressive role for states in  
2 finding new voters and providing free I.D.s for  
3 those without driver's licenses".

4 And I'll just represent to you that I've  
5 looked at quite bit of information on this subject,  
6 and it's the only area where I have found anybody  
7 that's been able to find any degree of bipartisan  
8 consensus on this issue. Simply pointing out that  
9 there is no need to choose between enhanced security  
10 on the one hand and increased -- and enhanced access  
11 on the other; you can have both. And, in fact,  
12 this -- this commission is -- is recommending both.

13 Any -- any other questions, Members of the  
14 Committee?

15 All right. I don't think we have any.  
16 Thank you very much for your time.

17 ROBIN ARMSTRONG: Excuse me.

18 CHAIRMAN SMITH: Excuse me. Rep --  
19 Representative.

20 REPRESENTATIVE BROWN: Thank you,  
21 Dr. Armstrong.

22 ROBIN ARMSTRONG: Thank you.

23 REPRESENTATIVE BROWN: Appreciate  
24 your comments.

25 You -- you meet with a lot of candidates



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006570

TX\_00033712

USA\_00021452

1 involved in a lot of elections and so on. What is  
2 your -- your idea of fraud among us? Is it there,  
3 or are we chasing after something that doesn't  
4 exist?

5 ROBIN ARMSTRONG: Well, I -- I  
6 believe there's voter fraud amongst us. You know, I  
7 believe that sometimes it's -- it's difficult to  
8 determine whether it's voter fraud or voter  
9 ignorance. But I think the result is the same. And  
10 I think that we probably should -- we -- we should  
11 have legislation to make sure that -- that we can  
12 make sure that that doesn't happen, you know,  
13 especially as these elections become closer and  
14 closer. I believe, you know, our -- our system --  
15 our election system is going to be under more  
16 pressure to make sure that we have mechanisms in  
17 place so that we can root out any types of fraud  
18 or -- or ignorance or people making mistakes and  
19 voting incorrectly. So I think it's important to  
20 have legislation such as this.

21 So, yes, I think it does exist.

22 REPRESENTATIVE BROWN: And I assume  
23 you mean by rooting out ignorance that while we're  
24 pursuing the fraud that we're also trying to  
25 educate --



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006571

TX\_00033713

USA\_00021453

90

1 ROBIN ARMSTRONG: Correct.

2 REPRESENTATIVE BROWN: -- our voters  
3 as much as we can?

4 ROBIN ARMSTRONG: Yes.

5 REPRESENTATIVE BROWN: I agree.

6 Thank you.

7 ROBIN ARMSTRONG: Thank you.

8 CHAIRMAN SMITH: Any other questions,  
9 Members? Thank you, Mr. Armstrong, very much.

10 ROBIN ARMSTRONG: Thank you.

11 CHAIRMAN SMITH: At this time the  
12 Chair calls Mary Naranjo, representing the Texas  
13 Young Democrats, U.T. College Democrats of America  
14 Presidents, testifying against Senate Bill 362.

15 If you don't mind, for the record please  
16 state your name again and who you represent.

17 MARY NARANJO: Whoa. It's Mary  
18 Naranjo. Good afternoon.

19 So there are a couple things --

20 CHAIRMAN SMITH: You gave your name.  
21 Please tell me who you represent again.

22 MARY NARANJO: Sorry. I'm the  
23 President of College Democrats of America and also  
24 the Vice President of Texas Young Democrats and a  
25 student at the University of Texas as a senior.



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006572

TX\_00033714

USA\_00021454

1 CHAIRMAN SMITH: Thank you.

2 MARY NARANJO: Hook 'em.

3 One of the things that I would just like  
4 to start my testimony off with, which is a great  
5 maxim for anyone in this room to kind of be thinking  
6 about when thinking of the election system, is if it  
7 ain't broke, don't fix it. And this issue isn't a  
8 problem at the moment.

9 I think it's interesting that, you  
10 know, while I'm working with students across the  
11 U.S., whether it be in Indiana, Florida or Virginia  
12 or Colorado, where we're trying to get students to  
13 the polls, we're actually now trying to bring in a  
14 regressive piece of legislation that is going to  
15 actually disenfranchise students. And while we have  
16 people up here talking about different minorities,  
17 these college students are still not a protected  
18 class under the Voting Rights Act. And later on in  
19 the testimony, I would love to give you some great  
20 examples of when I was in Florida working in the  
21 2008 election.

22 But one -- one real world piece of, you  
23 know, information I would like to give you is my  
24 driver's license. Currently it says Lufkin, Texas,  
25 where I'm originally from, my permanent address. If



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006573

TX\_00033715

USA\_00021455

1 I ever changed it, my mom would probably get mad at  
2 me, because she would think I'm actually an adult.  
3 However, I do live in Austin, Texas. And I've gone  
4 to school here for five years. And actually, under  
5 the current piece of -- under the current statute, I  
6 can vote in Travis County because I've worked here,  
7 I've worked on a number of campaigns here and I'm  
8 really invested in a number of the issues. And  
9 so -- however, if we actually went under Senator  
10 Fraser's piece of legislation I would not be able to  
11 vote in Travis County.

12 One correction I would like to make is  
13 looking at Section 9, there was a question, and I  
14 can't remember by which Representative -- the  
15 assertion was actually made that, you know, we would  
16 be helping people to vote because they would only  
17 have to bring their I.D. or their voter registration  
18 card. Right? So making an I.D. required we would  
19 be helping them. Well, current statute already  
20 states that you can bring a voter I.D. card or your  
21 driver's license. So it's or, not and. And I think  
22 that's an important delineation to make, because a  
23 photo I.D. is not required right now, not even to  
24 register to vote. So then having a photo I.D.  
25 required and/or something like a birth certificate



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006574

TX\_00033716

USA\_00021456

1 where you have to pay for this type of documentation  
2 cost money. And I know that that's, you know, a  
3 controversial thing to bring up a poll tax. But in  
4 all honesty, the fact that you have to pay to get a  
5 piece of documentation to then vote is just that  
6 very issue and is that definition -- the definition  
7 of that.

8 CHAIRMAN SMITH: Thirty seconds.

9 MARY NARANJO: Thank you.

10 One particular thing I would like to bring  
11 up is for students in particular this bill is  
12 harmful because of issues with domicile and  
13 residency, just like the example I gave of my  
14 driver's license. In addition to photo I.D.s --  
15 state-issued photo I.D.s, of the 44 million students  
16 who voted, 19 percent of them don't have a  
17 government-issued photo I.D.

18 CHAIRMAN SMITH: Okay. I think your  
19 three minutes is up.

20 So tell me, you currently attend the  
21 University of Texas Austin?

22 MARY NARANJO: Yes, sir.

23 CHAIRMAN SMITH: Are you registered  
24 to vote in -- in Travis County?

25 MARY NARANJO: I can be under this



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006575

TX\_00033717

USA\_00021457

1 law.

2 CHAIRMAN SMITH: Are you currently,  
3 though?

4 MARY NARANJO: No, sir. I drive four  
5 hours to go and vote in Lufkin, Texas, because the  
6 absentee ballot that I've cast in the past never  
7 made it to my county. And so I had to drive on  
8 election day to make sure I got to vote.

9 CHAIRMAN SMITH: So under current law  
10 you're not able to vote in Travis County. You're  
11 just saying if you registered here, you could?

12 MARY NARANJO: In current law if I  
13 wanted to with my -- despite the fact that my  
14 driver's license has a Lufkin, Texas address on it,  
15 I can still put down my Social Security number  
16 and/or my Texas driver's license and register to  
17 vote in Travis County. It would be a new  
18 registrant, and I would be changing from Angelina  
19 County to Travis County. That's why I concurrently  
20 have a Texas driver's license in Lufkin and also  
21 vote in Travis County as long as I don't vote in  
22 both places. That's election fraud.

23 But under Senator Fraser's bill, if I were  
24 to have a driver's license or photo I.D. that said  
25 Lufkin, Texas, and the voter roll had my address for



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006576

TX\_00033718

USA\_00021458

1 Austin, then there would be a discrepancy as to  
2 domicile, as to where I live. And so that's where  
3 students would be getting turned away. And there  
4 are a number of examples of that happening in other  
5 states, some where I actually worked in during the  
6 election, that being Florida.

7 And so while in theory, you know, it  
8 should all work out and everyone should, you know,  
9 be able to vote, the implications, the actual  
10 practice and logistics of it don't get carried out  
11 that way.

12 CHAIRMAN SMITH: And so you're making  
13 the presumption that that would change because of --  
14 of -- of the -- and we've talked about this on the  
15 Committee, and this may or may not make any sense to  
16 you. But because of the difference in a presentment  
17 standard under the current legis -- under the  
18 current language of the law and an identity standard  
19 under the law. Is that -- is that your  
20 understanding?

21 MARY NARANJO: So the presumption is  
22 not there. It's kind of been dropped out or  
23 something with the new text. Right?

24 So if there are acceptable forms of I.D.  
25 that have -- that are going to be of particular



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006577

TX\_00033719

USA\_00021459

1 interest to students is that section -- it would be  
2 Section 63.0101, Part 1, "A driver's license or  
3 personal identification card issued to the person by  
4 the Department of Public Safety that is not expired  
5 or that expired no earlier than two years before the  
6 date of presentation."

7 Now, what's being stricken out is, "Or a  
8 similar document issued to the person by the agency  
9 of another state regardless of whether the license  
10 is a card or has expired."

11 So students like -- if we have students  
12 who are out-coming -- let's say we have Oklahomans  
13 come to Texas because they realize Texas is just a  
14 better state, which I think we can all agree in this  
15 room about. Right?

16 Well, so you have a student who comes to  
17 Texas, wants to vote in a Texas election, well, the  
18 U.S. Supreme Court says if you go to school in Texas  
19 and you consider Texas your home, is what the  
20 current statute says, then you can vote in Texas.  
21 However, if that person has an Oklahoma driver's  
22 license under this -- taking -- taking this chunk  
23 out of the bill, they can't. That's how students  
24 are going to get turned away. I mean, that's --

25 CHAIRMAN SMITH: So your concern is



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006578

TX\_00033720

USA\_00021460

1 about students from other states. It really doesn't  
2 affect you --

3 MARY NARANJO: It's both.

4 CHAIRMAN SMITH: Okay. Tell me how  
5 it affected you.

6 MARY NARANJO: Because if I were to  
7 come to Travis County and they were going to look at  
8 my -- if I had a state-issued I.D. and I still had  
9 my Lufkin address, which my mother clings onto  
10 because she wants me to come back home some day,  
11 then I have go to them and say, "Here's my I.D. And  
12 it has my Lufkin address, which does not match their  
13 address on the voting roll, which would be an  
14 Austin, Texas, address," then that's where the  
15 discrepancy happens. And while it's not explicit,  
16 the problem is when you look at similar laws, like  
17 in Indiana, that's where the discrepancy issue is  
18 created, because in Indiana a state-issued I.D. to  
19 meet the requirements of an I.D. has to have a name,  
20 a photo, an expiration date and must be current.

21 For instance, students at I.D. Bloomington  
22 (phonetic) they don't have an expiration date on  
23 their student I.D.s. So they can't use that as a  
24 student card to go and vote.

25 CHAIRMAN SMITH: Do you get a student



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006579

TX\_00033721

USA\_00021461

1 identifying card at the University of Texas?

2 MARY NARANJO: Yes, sir.

3 CHAIRMAN SMITH: Is that --

4 MARY NARANJO: In fact, I've got it  
5 right here.

6 CHAIRMAN SMITH: -- your Austin  
7 address?

8 MARY NARANJO: No, sir. There's not  
9 an address on these student cards. In fact, there's  
10 a photo, there's my name. There's not even an  
11 expiration date. There's a code that I can get food  
12 with, but I can't get to vote with it.

13 CHAIRMAN SMITH: Okay. Language in  
14 the Senate bill says among the list of photo  
15 identification that would be acceptable, a valid  
16 identification card that contains a person's  
17 photograph and is issued by an agency, institution  
18 or political subdivision of this state.

19 UNIDENTIFIED REPRESENTATIVE: Would  
20 that not qualify?

21 CHAIRMAN SMITH: I believe it would.  
22 That's my -- that's my suggestion.

23 UNIDENTIFIED REPRESENTATIVE:  
24 (Inaudible).

25 MARY NARANJO: I -- I would humbly



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
www.esquiresolutions.com

JA\_006580

TX\_00033722

USA\_00021462

1 disagree that, in practice, similar language like  
2 that in the Indiana bill --

3 CHAIRMAN SMITH: Not similar  
4 language, actually. You said the language said it  
5 had to have an expiration. This doesn't call for an  
6 expiration.

7 You're talking about an Indiana bill.

8 You're not talking about the Texas bill.

9 MARY NARANJO: Yes, sir. But I'm  
10 actually talking about actual practice, like when  
11 you have poll workers.

12 CHAIRMAN SMITH: I know exactly what  
13 you're talking about.

14 UNIDENTIFIED REPRESENTATIVE: The  
15 point is -- the point is the Indiana law has  
16 requirements about what has to be on that card that  
17 doesn't appear to be in this language.

18 CHAIRMAN SMITH: The point I'm  
19 making --

20 MARY NARANJO: That's --

21 CHAIRMAN SMITH: -- is I believe the  
22 Senate bill is intended to allow you to vote by  
23 simply using your student identification card that  
24 is -- I can certainly represent that it is issued to  
25 every student in every school in the state, but



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006581

TX\_00033723

USA\_00021463

100

1           certainly is issued, I believe, to almost all of  
2           them.

3           And you've got one.

4           MARY NARANJO: It is a state -- it is  
5           a state school.

6           CHAIRMAN SMITH: And let me just be  
7           clear. You know, the -- we've had a lot of  
8           discussion about the extent to which we're going to  
9           change current law in terms of the mech -- the way a  
10           poll worker identifies whether you do or do not have  
11           the proper documentation. And I think there's  
12           probably a consensus on this Committee that at the  
13           end of the day the consensus in the House is that we  
14           not change the current standard to not create any  
15           additional complication and that the -- the purpose  
16           of this bill would simply be, again, current  
17           standard in terms of the way they handle  
18           identification, one photo on the list or two  
19           non-photos on the list. And there's a number of  
20           documents on both lists, and I don't suppose there's  
21           anybody in the State of Texas that has every  
22           document on both lists.

23           And so I know that there's a number of  
24           people that can -- can -- can testify that I don't  
25           have this particular document or I don't have this



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006582

TX\_00033724

USA\_00021464

101

1                   particular document. But I guess what we're really  
2                   interested in is hearing from anybody that doesn't  
3                   have any document on the list that would be  
4                   sufficient to allow them to vote. And it -- it  
5                   sounds like to me that I -- I have fairly quickly  
6                   identified a document that you have as a University  
7                   of Texas student in Austin that would allow you to  
8                   vote, especially to the extent that we maintain the  
9                   current standard in terms of the -- the way in which  
10                  the poll worker determines whether you do or do not  
11                  have proper documentation.

12                  MARY NARANJO: So -- and so just to  
13                  make sure that I'm understanding correctly, that  
14                  under Section 6 of the, you know -- which  
15                  identification you can be able to use, you would say  
16                  that Part B, "An agency, institution or political  
17                  subdivision of this state" qualifies as a student  
18                  I.D.?

19                  CHAIRMAN SMITH: Yes. University of  
20                  Texas.

21                  MARY NARANJO: Okay. So what about  
22                  students at Trinity, St. Mary's, SMU?

23                  CHAIRMAN SMITH: That's -- that's  
24                  a -- that's a -- a question I -- you know, they may  
25                  or may not, depending on how that is defined --



**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006583

TX\_00033725

USA\_00021465

102

1 qualified --

2 UNIDENTIFIED REPRESENTATIVE:

3 (Inaudible).

4 CHAIRMAN SMITH: No. That's one of a  
5 number of the list.

6 MARY NARANJO: One thing I would  
7 recommend to the Committee is that you would also  
8 look at transcripts as another form, considering  
9 most students living in the dorms do not get a  
10 utility bill, and in most cases we really don't get  
11 a number of the two -- two items.

12 CHAIRMAN SMITH: And we've -- we've  
13 heard from representatives of the AARP where we've  
14 talked about certain senior citizens that do not get  
15 an electric bill and do not get a water bill --

16 MARY NARANJO: Uh-huh.

17 CHAIRMAN SMITH: -- but -- but  
18 this -- this would allow them to vote with a Social  
19 Security card, with a Medicare card, with a Medicaid  
20 card.

21 MARY NARANJO: Those are all things  
22 old people have.

23 CHAIRMAN SMITH: I understand. I'm  
24 talking about --

25 MARY NARANJO: I'm sorry.



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006584

TX\_00033726

USA\_00021466

103

1 CHAIRMAN SMITH: -- my -- my -- I  
2 understand.

3 REPRESENTATIVE BROWN: It's next to  
4 [sic] who belongs to AARP. That's what he just  
5 said.

6 MARY NARANJO: Right. Sorry.

7 CHAIRMAN SMITH: My point is we're  
8 talking about a number of people who say I don't  
9 have this. And depending on whether you're a young  
10 person or an old person what you don't have may  
11 vary. But the question is, is there anybody out  
12 there that doesn't have the ability to obtain the  
13 proper identification. And to the extent that that  
14 is -- there are legitimate concerns of that -- of  
15 that kind, I can assure you I think the Committee's  
16 intent is to address them.

17 To the extent that we simply have a number  
18 of people that can identify certain things that they  
19 do not have while conceding that they have a lot of  
20 other things that would allow them to vote, I don't  
21 know that that testimony will be as persuasive.

22 REPRESENTATIVE BROWN: Mr. Chairman --

23 CHAIRMAN SMITH: Yes?

24 REPRESENTATIVE BROWN: -- just one  
25 relevant question here.

  
**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006585

TX\_00033727

USA\_00021467

104

1 MARY NARANJO: Yes.

2 REPRESENTATIVE BROWN: I think she  
3 said she can only vote in Lufkin. Is that where?

4 MARY NARANJO: Yes, ma'am.

5 REPRESENTATIVE BROWN: With her --  
6 with her I.D. because a different address on the  
7 I.D. Is that correct?

8 CHAIRMAN SMITH: I understand. But I  
9 think it's the intent of this Committee if we do  
10 what I think we're intending to do --

11 MARY NARANJO: Uh-huh.

12 CHAIRMAN SMITH: -- and I'm not clear  
13 on frankly how the Senate language affects you. I'm  
14 not conceding that it adversely affects you, but  
15 I -- I -- I know we can adopt language that does not  
16 change current law in that regard. I mean, it may  
17 be that current law creates a problem for you to the  
18 extent that your identification that is allowed  
19 under current law is not at the proper address. I  
20 don't know. But it's not our intent --

21 MARY NARANJO: Actually --

22 CHAIRMAN SMITH: -- to complicate  
23 that any more than is necessary. We had discussion  
24 last night about the fact that you cannot --

25 MARY NARANJO: I heard.

  
**ESQUIRE**  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006586

TX\_00033728

USA\_00021468

105

1 CHAIRMAN SMITH: -- completely remove  
2 discretion from poll workers. You don't want to do  
3 that. You don't want to create a bright -- bright  
4 line test for where every letter of the I.D. must  
5 match the voter registration card, or you're going  
6 to create all kinds of problems. You want to allow  
7 some discretion on the part of the worker, but I --  
8 but on the other hand I think you -- you want to --  
9 some limits on the extent of discretion on the part  
10 of the poll worker. And that's the balance we're  
11 going to be trying to strive.

12 MARY NARANJO: I definitely  
13 appreciate the intent of the Committee, especially  
14 after listening to testimony for 12 hours yesterday.  
15 So I understand you've heard a litany of issues in  
16 regards to this.

17 Two things I would like to point out. I  
18 think there was a slight misunderstanding - and I  
19 can explain it again if you want, or for the sake of  
20 brevity, I can skip over it - that currently I can  
21 register in Travis County because I live here. But  
22 if the -- the way that the law was interpreted, it's  
23 the -- from my understanding from the Senate  
24 language that I would not be able to vote with my  
25 driver's license from Lufkin, because it has me as a



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006587

TX\_00033729

USA\_00021469

106

1 resident in Lufkin, Texas. So I could not vote in  
2 Travis County.

3 The second thing that I would all -- the  
4 second thing that I would also just like -- did you  
5 need something? Sorry.

6 UNIDENTIFIED REPRESENTATIVE: I -- I  
7 just -- we just had that discussion about your I.D.  
8 and we discussed what it said in the law. So we  
9 went over that.

10 VICE CHAIR PENA: Yes, Mr. Chairman.

11 CHAIRMAN SMITH: I believe the  
12 Indiana law specifically requires a driver's license  
13 with certain information on this.

14 What this law requires is a driver's  
15 license or personal identification card issued to  
16 the person by the Department of Public Safety that  
17 has not expired or that expired no earlier than two  
18 years before date of presentation. I think --

19 UNIDENTIFIED REPRESENTATIVE: Uh-huh.

20 CHAIRMAN SMITH: -- it provides you  
21 with an opportunity to -- to persuade the poll  
22 worker that -- that -- that though the address is  
23 different because you're at the University of Texas  
24 School of Law, that is your driver's license. And I  
25 believe --



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006588

TX\_00033730

USA\_00021470

1 MARY NARANJO: Uh-huh.

2 CHAIRMAN SMITH: -- that's the same  
3 thing that you currently have to do under current  
4 law to the extent you try to vote with your driver's  
5 license.

6 MARY NARANJO: Which would bring up  
7 the second thing. And it seems like it -- you  
8 know, the intent is to get people to vote that are  
9 who they say they are, which is totally a legitimate  
10 pursuit.

11 The issue is then in terms of getting this  
12 legitimacy in the paperwork, there's a cost. If a  
13 student loses their I.D., it costs them \$10. If  
14 they want to get a U.T. I.D., it cost them \$10. If  
15 they want to get a driver's license, it costs them  
16 \$25. And so there is a legitimate issue with it  
17 cost -- you have to pay money to vote. And that's  
18 my personal opinion.

19 CHAIRMAN SMITH: Well, and then  
20 that's why it's significant that this legislation,  
21 unlike some of the other pieces of legislation, does  
22 not require you to get that photo I.D. That's  
23 why -- I think part of the reason why the Senate  
24 bill allows an alternative other than a photo I.D.  
25 that that -- that would allow those -- and I think



Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006589

TX\_00033731

USA\_00021471

108

1 we have determined that we can presume it's a very  
2 small percentage, 1.2 percent in Indiana,  
3 Mississippi and Maryland. And the presumption is  
4 it's a little higher in Texas because of the fact we  
5 have a larger minority community.

6 MARY NARANJO: Uh-huh.

7 CHAIRMAN SMITH: But we're talking  
8 about a few percent of the people in the state that  
9 are registered voters that do not already have photo  
10 I.D.s.

11 With regard to that percent, I think  
12 you're correct to the extent we mandated a photo  
13 I.D., there would be potential arguments regarding a  
14 mandated cost that -- that might be a barrier to  
15 some people to the polls.

16 But under this bill, they're not doing  
17 that. They're allowing two non-photo  
18 identifications without requiring anybody to get a  
19 photo identification. You understand that?

20 MARY NARANJO: I'm not -- I mean, I'm  
21 not familiar with the percentage that you are  
22 quoting. But, I mean, there's plenty of --

23 CHAIRMAN SMITH: No. The document  
24 says that you have to --

25 REPRESENTATIVE ANCHIA: Can I ask her



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006590

TX\_00033732

USA\_00021472

109

1 a question?

2 CHAIRMAN SMITH: -- to get a photo  
3 I.D.

4 Representative Anchia.

5 REPRESENTATIVE ANCHIA: Thank you.  
6 Thank you. Mr. Chairman.

7 I think I understand the point.

8 UNIDENTIFIED REPRESENTATIVE: But you  
9 have to have documents to get that.

10 REPRESENTATIVE ANCHIA: I think I  
11 understand. I'm going to try to ignore the sidebar  
12 conversation --

13 MARY NARANJO: No problem.

14 REPRESENTATIVE ANCHIA: -- and try to  
15 answer your question.

16 I think I understand the point that you're  
17 trying to make. The language of the Senate bill --  
18 and we're not talking about the intent of the  
19 Committee, but rather you're talking about the  
20 Senate bill, is that your identity needed to be  
21 verified by the poll worker from the proof  
22 presented. Right?

23 MARY NARANJO: Exactly. Yes, sir.

24 REPRESENTATIVE ANCHIA: And that is  
25 different than the current presentment standard; it



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006591

TX\_00033733

USA\_00021473

110

1 is an identity standard. Correct?

2 And the point I think you're trying to  
3 make is that because you have a -- your registration  
4 is in Travis County -- it may have your name and  
5 your photograph, but at the same time your --  
6 your -- your license has your Lufkin address, that,  
7 in fact, it might be difficult for a poll worker to  
8 say, well, this is the same person that is on the  
9 rolls from the proof presented, because it has  
10 conflicting addresses. Is that your concern?

11 MARY NARANJO: Yes, sir.

12 And in addition to that, not only is that  
13 my personal concern, but there's also been actual  
14 instances in Virginia, in Michigan, in Pennsylvania  
15 where students who went to polling locations --  
16 while the intent of the Committee may be different,  
17 the actual implications and, like I say, the  
18 logistics of carrying out the legislation is  
19 different sometimes than what the hope is.

20 Like, we didn't hope to get into a  
21 recession, but guess what, we are in one. So --

22 REPRESENTATIVE ALISEDA: And you  
23 represent college students. Correct?

24 MARY NARANJO: Yes, sir.

25 REPRESENTATIVE ANCHIA: From across



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006592

TX\_00033734

USA\_00021474

111

1 the country. Correct?

2 MARY NARANJO: 75,000.

3 REPRESENTATIVE ANCHIA: So under the  
4 Senate bill if the two forms of I.D. that I had when  
5 I showed up at the polls were an out-of-state  
6 driver's license, say from Oklahoma, and my Southern  
7 Methodist University I.D., would I be able to vote  
8 under this bill?

9 MARY NARANJO: No. And, actually,  
10 that's a specific case.

11 REPRESENTATIVE ANCHIA: Okay. Would  
12 I be able to do it if I had an out-of-state driver's  
13 license and a Baylor University I.D.?

14 MARY NARANJO: No.

15 REPRESENTATIVE ANCHIA: Would I be  
16 able to do it if I had an out-of-state driver's  
17 license and a Trinity University I.D.?

18 MARY NARANJO: No.

19 REPRESENTATIVE ANCHIA: Or a Rice  
20 I.D.?

21 MARY NARANJO: No.

22 REPRESENTATIVE ANCHIA: Okay.

23 Because those are all private schools and are not  
24 covered under the bill. Right?

25 MARY NARANJO: That's correct.



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006593

TX\_00033735

USA\_00021475

1 REPRESENTATIVE ANCHIA: So if those  
2 are the only two types of I.D. that you brought to  
3 the poll and assume they both had your photo on  
4 them, right, a private university I.D. and an  
5 out-of-state driver's license, you would not be able  
6 to vote under the Senate bill. Is that not correct?

7 MARY NARANJO: That is correct.

8 REPRESENTATIVE ANCHIA: And didn't  
9 that happen quite a bit in Indiana?

10                   Weren't there a lot of college students  
11                   there who are U.S. citizens, validly registered, of  
12                   age, and they were turned away at the polls? Is  
13                   that not correct?

14 MARY NARANJO: Yes. The same thing  
15 happened in Florida, which is another one of the  
16 three states that we continue to reference, and then  
17 we also had problems in South Carolina and Colorado.

18 REPRESENTATIVE ANCHIA: The  
19 respect -- the intent of having a broad list of  
20 documents. But if you show up to the polls with  
21 just -- with two forms of photo I.D., one being your  
22 out-of-state driver's license and one being a  
23 college -- a private college photo I.D., you're not  
24 going to be able to vote, even though otherwise  
25 you're eligible?



# ESQUIRE

DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA 006594

TX\_00033736

USA 00021476

113

1 MARY NARANJO: One, you're not going  
2 to be able to vote. And, two, the (inaudible) which  
3 actually goes as far as to strike other state I.D.s.  
4 So it's actually --

5 REPRESENTATIVE ANCHIA: Affirmatively.

6 MARY NARANJO: Exactly. So we're  
7 actually regressing.

8 REPRESENTATIVE ANCHIA: And in past  
9 sessions -- I don't know if you're aware, but I  
10 worked on this in the 2005 session and 2007 session.  
11 Those bills were amended or introduced with  
12 provisions for I.D.s from other -- from other  
13 universities including private universities from  
14 within the State and public universities from  
15 outside the State.

16 So I -- I -- I know -- those -- those  
17 provisions are noted -- noticeably absent --

18 MARY NARANJO: Right.

19 REPRESENTATIVE ANCHIA: -- from the  
20 Senate bill.

21 MARY NARANJO: I mean, in addition to  
22 that, students who would be attending the University  
23 of Texas who would decide to change their domicile  
24 or consider home [sic], there are numerous examples,  
25 the most noticeable one being Virginia where



ESQUIRE  
DEPOSITION SOLUTIONS

Toll Free: 800.211.DEPO  
Facsimile: 512.328.8139

Suite 220  
3101 Bee Caves Road  
Austin, TX 78746  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

JA\_006595

TX\_00033737

USA\_00021477